

available as a so-called medicine heroin, LSD, and over 100 other dangerous drugs?

Mr. KYL. That is correct.

Mr. GRASSLEY. It is the Senator's understanding that there is no recognized medical use for heroin or LSD?

Mr. KYL. To my knowledge, neither of these drugs, which would be made legal in Arizona for medical use, have any recognized medical utility. In addition, both of these substances are illegal to prescribe as medicine under federal law and no doctor is authorized to prescribe them as a treatment.

Mr. GRASSLEY. Am I correct in believing that it is also illegal to prescribe marijuana, as a Schedule I drug, under Federal Law?

Mr. KYL. That is correct. Under the Controlled Substances Act, which governs how we deal with all drugs in this country, no Schedule I drug may be prescribed as a medicine. Schedule I drugs are placed in this category because they have no recognized medical use and have a high potential for abuse. These drugs are illegal because they are dangerous, they are not dangerous because they are illegal.

Mr. GRASSLEY. It is my understanding that we have the Federal Food, Drug, and Cosmetic Act, the Controlled Substances Act, and other laws governing the manufacture and sale of drugs in order to ensure they are safe and effective for public use.

Mr. KYL. That is correct. Many of these laws are on the books because at one time anybody could market any product to the public and call it a drug. Those were the days of snake oil salesmen who made the wildest claims for their products. They, of course, called their products "medicine" and sold them as cure-alls for every possible ailment. In many cases, in the early years of this century, those products contained large quantities of alcohol, opiates or cocaine. As a result, this country experienced a major drug epidemic centered largely on women and children who mostly used these products. None of the products were subject to regulation, they did not treat any diseases, there were no cures, but they did create a lot of addicts. Later, in response to this situation, Congress passed laws regulating these products to ensure that the public was not the victim of bad medicine, false claims, and snake oil.

Mr. GRASSLEY. The purpose of those laws was to ensure that we didn't declare anything a medicine until it had been scientifically evaluated, clinically tested, and proven effective, is that right?

Mr. KYL. Yes. Sometimes the time it takes to do this is frustrating, but the purpose is to ensure that we provide safe and effective medicine to the public.

Mr. GRASSLEY. As part of that process, when a medicine is found to work but is also found to be dangerous or subject to abuse, how is that normally dealt with?

Mr. KYL. Apart from over-the-counter medicines, we regulate access to drugs. This is what prescriptions are for. For dangerous drugs with a potential for abuse, we license their use and only permit people to use them based on a physician's prescription and under the continuing care of a doctor.

Mr. GRASSLEY. In many of the efforts we currently see to declare marijuana a medicine, I believe there is no requirement for a doctor's prescription?

Mr. KYL. The Senator is correct. In most of these efforts, what is called for is a doctor's recommendation. Frankly, that could mean anything.

Mr. GRASSLEY. That's certainly an unusual practice but if I understand many of these efforts, not only is no prescription required but users are authorized to grow marijuana at home for their own use.

Mr. KYL. The language differs in the various states, but that's essentially correct.

Mr. GRASSLEY. I believe that it is the case in some states or here in the nation's capital, a so-called care giver or up to three or four different care givers are authorized to grow marijuana at home and give it out. Let me see if I understand just what that means. If, for example, I was taking insulin to control diabetes, the parallel would be for me to be authorized to make it at home or to have three or four of my friends make it and give it to me when I wanted it.

Mr. KYL. That's about it.

Mr. GRASSLEY. So, there would be none of the normal controls or quality checks or physician-supervised treatments that we expect when we talk about medicine, especially medicine for the very ill?

Mr. KYL. That's right. But there is another big difference. These efforts do more than authorize that practice you describe. They place no limits on who would be eligible to receive these "treatments" and they do not limit the "illnesses" for which you may take the drug.

Mr. GRASSLEY. So, this drug can be used for anything anyone feels the need, they do not have to have a terminal illness or any serious disease?

Mr. KYL. That's just one more thing about these efforts that demonstrate what is really behind them. The real motive here is to legalize these drugs, not to make medicine available.

Mr. GRASSLEY. I agree with the Senator. If this effort succeeds, it looks to me like it could have a major effect in sending signals to young people about drug use.

Mr. KYL. The Senator is correct. We are already seeing the highest rates of first-time use of marijuana among teens and pre-teens in over 30 years. We are on the verge of a major, new drug epidemic. I do not think this is the time to be sending the kind of mixed message we see in these efforts to legalize marijuana or other Schedule I drugs.

Mr. GRASSLEY. I am working in my state to develop a statewide anti-drug coalition. In doing this, I have seen personally what is happening all across my state because of growing illegal drug use. This doesn't just affect kids, although they are the most vulnerable for use. Drug use affects whole families and communities. I agree that we must speak out against efforts to make our drug problem worse than it already is. We need to blow the whistle on these efforts to legalize by indirect means. I want to thank my distinguished colleague for taking the time to help me think through these issues.

Mr. KYL. I would like to thank the Senator for his efforts and I look forward to working with our colleagues to pass this resolution.

Mr. GRASSLEY. I would also like to thank the Senator for all his efforts on this.

ADDITIONAL COSPONSORS

S. 361

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 2017

At the request of Mr. D'AMATO, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2339

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2339, a bill to provide for pension reform, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the names of the Senator from Nevada (Mr. REID) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

SENATE RESOLUTION 260

At the request of Mr. GRAHAM, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New York (Mr. D'AMATO), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. INOUE), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 260, A resolution expressing the sense of the Senate that October 11, 1998, should be designated as "National Children's Day."

SENATE RESOLUTION 278

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 278, a resolution designating the 30th day of April of 1999, as "Dia de los Ninos: Celebrating Young Americans," and for other purposes.

AMENDMENTS SUBMITTED

CHILD CUSTODY PROTECTION ACT

TORRICELLI AMENDMENT NO. 3603

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill (S. 1645) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITED INTERSTATE FIREARMS TRANSFERS.

Section 922(a)(3) of title 18, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "or licensed collector to transport" and inserting the following: "or licensed collector—

"(A) to transport";

(3) by striking "this paragraph" and inserting "this subparagraph";

(4) by adding "and" after the semicolon at the end; and

(5) by adding at the end the following:

"(B) to—

"(i) travel across a State line for the purpose of inducing any other person to transfer a firearm in violation of any applicable Federal or State law; and

"(ii) thereby obtain a firearm in violation of any applicable Federal or State law;".

HARKIN AMENDMENT NO. 3604

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

On page 5, strike line 17, and insert the following: "apply if—

"(A) the pregnancy was the result of rape by a parent or incest between the minor and a parent; or

"(B) the abortion was necessary to save the life of

LEAHY AMENDMENT NO. 3605

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1645, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—FORCEFUL TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.**"§2341. Forceful transportation of minors to avoid certain laws relating to abortion**

"(a) OFFENSES.—Whoever knowingly uses force or threats of force to transport an individual who has not attained the age of 18 years across a State line, with the intent to avoid, evade, prevent, or obstruct compliance with the requirements of a law requiring parental involvement in a minor's abortion decision, in the State where the minor resides, if in fact as a result the individual obtains the abortion, shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) RESTITUTION.—In addition to any other penalty authorized by law, including consideration of an order of restitution to the victim of the offense pursuant to section 3664 of this title, the court, when sentencing a defendant convicted of an offense under subsection (a), may order that the defendant make restitution to the parent or guardian of the individual who obtained the abortion as a result of the offense. An order of restitution under this subsection shall be based upon—

"(1) the amount of damages resulting from or attributable to the offense;

"(2) the cost of necessary medical and related professional service; and

"(3) any lost income or other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

"(c) DEFINITIONS.—In this section—

"(1) the term 'law requiring parental involvement in a minor's abortion decision' is a law that requires, before an abortion is performed on a minor, the notification to, or consent of, any person or entity other than the minor, including the parent or guardian of the minor, or a judicial officer, and that—

"(A) is not enjoined or otherwise held invalid by a court of competent jurisdiction; or

"(B) the enforcement authorities of the State where the individual who obtains the abortion resides have not declined to enforce;

"(2) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(3) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States."

"(b) CLERICAL AMENDMENT.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following:

"117A. Forceful transportation of minors to avoid certain laws relating to abortion 2431".

SEC. 3. ASSISTANCE TO THE STATES TO ENFORCE PARENTAL INVOLVEMENT LAWS.

Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) is amended by inserting after subpart 3 the following:

"Subpart 4—Grants to States To Assist Enforcement of Parental Involvement Laws**"SEC. 520A. PURPOSE.**

"The purpose of this subpart is to supplement the provisions of subparts 1 and 2, in order to assist eligible States in enforcing State laws requiring parental involvement in a minor's abortion decision, and related procedures, including judicial bypass procedures.

"SEC. 520B. DEFINITIONS.

"In this subpart—

"(1) the term 'Director' means the Director of the Bureau of Justice Assistance of the Department of Justice;

"(2) the term 'eligible State' means a State that has enacted a law requiring parental involvement in a minor's abortion decision; and

"(3) the term 'law requiring parental involvement in a minor's abortion decision' has the meaning given that term in section 2431(c) of title 18, United States Code.

"SEC. 520C. GRANTS.

"(a) IN GENERAL.—The Director shall make grants to eligible States in accordance with this section.

"(b) APPLICATIONS.—In order for an eligible State to receive a grant under this subpart for a fiscal year, the chief executive of the eligible State shall submit to the Director an application, which shall include—

"(1) a statement that the applicant is the chief executive, or a designee of the chief executive, of a State that is an eligible State;

"(2) an assurance that Federal funds received under this subpart will be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded with amounts made available to the eligible State under this subpart;

"(3) a statement that amounts received by the eligible State under this subpart will be devoted entirely to enforcing the law requiring parental consent in a minor's abortion decision, including judicial bypass procedures; and

"(4) a description of the budget of the eligible State for the activities to be funded with amounts made available under this subpart for the fiscal year for which the grant is sought.

"(c) GRANT AMOUNT.—Of the total amount made available to carry out this subpart in each fiscal year, the Director shall allocate to each eligible State that meets the requirements of this section an amount equal to the pro rata share of that eligible State, based on the percentage of the population of the eligible State that is less than 18 years of age, based on the most recent calendar year for which such data is available.

"(d) RENEWAL OF GRANTS.—Subject to the availability of appropriations, a grant to an eligible State for a fiscal year under this subpart may be renewed for not more than 2 additional fiscal years, if the Director determines that the amount made available to the eligible State under this subpart for the preceding fiscal year was used in accordance with the application submitted by the eligible State under subsection (b).