EC–4741. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to reauthorize the U.S. Automotive Parts Advisory Committee through December 31, 2003; to the Committee on Finance.

EC–4742. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to trade readjustment allowances; to the Committee on Finance.

EC–4743. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to Regular Trade Adjustment Assistance for the period October 1 through December 31, 1997; to the Committee on Finance.

EC–4744. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the Medicare subvention demonstration; to the Committee on Finance.

EC–4745. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customs Service Field Organization; Establishment of Sanford Port of Entry'' received on April 23, 1998; to the Committee on Finance.

EC–4746. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Abolishment of Boca Grande As a Port of Entry'' received on May 1, 1998; to the Committee on Finance.

EC–4747. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of regulations governing book-entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; South Dakota; received on April 22, 1998; to the Committee on Finance.

EC–4748. A communication from the Senior Attorney, Federal Register, Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment'' received on May 1, 1998; to the Committee on Finance.

EC–4749. A communication from the Acting Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for March 1998; to the Committee on Finance.

EC–4750. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98–24 received on April 23, 1998; to the Committee on Finance.

EC–4751. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98–25 received on April 27, 1998; to the Committee on Finance.

EC–4752. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of an Action On Decision received May 4, 1998; to the Committee on Finance.

EC–4753. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of property management regulations (RIN1991–AA28) received on April 27, 1998; to the Committee on Labor and Human Resources.

EC–4754. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Mergers and Transfers Between Multiemployer Plans'' (RIN1212–AA69) received on May 1, 1998; to the Committee on Labor and Human Resources.

EC–4755. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, trasmitting, pursuant to law, the report of a rule entitled ''Respiratory Protection; Correction'' (RIN1218–AA05) received on April 28, 1998; to the Committee on Labor and Human Resources.

EC–4756. A communication from the Assistant Secretary of Labor for Mine Safety and Health Administration, transmitting, pursuant to law, a rule entitled ''Safety Standards for Roof Bolts in Metal and Nonmetal and Underground Coal Mines'' (RIN1219–AB00) received on April 28, 1998; to the Committee on Labor and Human Resources.

EC–4757. A communication from the Assistant Secretary of Labor for Mine Safety and Health Administration, transmitting, pursuant to law, a rule entitled ''Criteria and Procedures for Proposed Assessment of Civil Penalties'' (RIN1219–AA49) received on April 28, 1998; to the Committee on Labor and Human Resources.

EC–4758. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients'' (RIN0910–AA01) received on April 27, 1998; to the Committee on Labor and Human Resources.

EC–4759. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket 92F–0290) received on April 27, 1998; to the Committee on Labor and Human Resources.

EC–4760. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives for Coloring Sutures; D&C Violet No. 2'' (Docket 95C–0399) received on April 28, 1998; to the Committee on Labor and Human Resources.

EC–4761. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Removal of Regulations'' (RIN1820–AB43) received on April 23, 1998; to the Committee on Labor and Human Resources.

EC–4762. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report of final priorities received on April 29, 1998; to the Committee on Labor and Human Resources.

EC–4763. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for calendar year 1997 on the National Institutes of Health AIDS Research Loan Repayment Program; to the Committee on Labor and Human Resources.

EC–4764. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on occupational safety and health for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–4765. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Tobacco Use Among U.S. Racial/Ethnic Minority Groups''; to the Committee on Labor and Human Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1618. A bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes (Rept. No. 105–183).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes (Rept. No. 105–184).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 2031. A bill to combat waste, fraud, and abuse in payments for home health services provided under the medicare program, and to improve the quality of those home health services; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 2032. A bill to designate the Federal building in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself, Mr. ALLARD, Mr. HATCH, Mr. THURMOND, Mr. ENZI, Mr. HELMS, Mr. GRASSLEY, Mr. COVERDELL, Mr. HAGEL, and Mrs. FEINSTEIN):

S. 2033. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 2034. A bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease; to the Committee on Labor and Human Resources.

By Mr. BAUCUS (for himself and Mr. JEFFORDS):

S. 2035. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, or consolidation of post offices, and for other purposes; to the Committee on Governmental Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 2032. A bill to designate the Federal building in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''; to the Committee on Environment and Public Works.

### HURFF A. SAUNDERS FEDERAL BUILDING

Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will dedicate the Juneau, Alaska Federal building in honor of Hurff Saunders who passed away in 1996. Hurff was a lifelong Alaskan who touched the lives

of countless people in Southeast Alaska and played an important role in Alaska's history both as a territory and as a state.

Among his many accomplishments, Hurff was a federal government civil engineer in charge of the construction of the Juneau federal building. Typical of Hurff's efforts, the Juneau federal building project was completed on time and under budget. In addition, Hurff helped to correct many of the navigational charts for Southeast Alaska thereby assisting the United States Navy and the Coast Guard in safely carrying out their missions in southeast Alaska during World War II.

I am privileged to have known Hurff and his family quite well. Hurff's wife Florence was one of my teachers as a young boy growing up in Ketchikan. Hurff and Florence were wonderful people, who left a long and lasting impression on those around them.

Mr. President, I have received copies of a number of resolutions, including one passed by the City and Borough of Juneau, all requesting that the Juneau federal building be dedicated in Hurff's memory. Many other Alaskans who also knew Hurff have taken the time to write and to share their support.

Hurff was a dedicated public servant who touched the lives of many Alaskans. Naming the Juneau federal building in his honor would be a fitting and lasting tribute to his memory.

Finally, Mr. President, I ask unanimous consent that a copy of this legislation and supporting resolutions be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2032

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.**

The Federal building in Juneau, Alaska, shall be known and designated as the ''Hurff A. Saunders Federal Building''.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Hurff A. Saunders Federal Building''.

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RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Whereas, the late Hurff Saunders was a civil engineer employed by the federal government in Alaska for many years, and

Whereas, Mr. Saunders served his fellow Americans and the people of Alaska with distinction, beginning in world War II, when he played a critical role in the ability of our U.S. Navy and Coast Guard to navigate in North Pacific waters by correcting official charts to show the true latitude and longitude of aids to navigation, and

Whereas, after the war Mr. Saunders worked as a civil engineer for the federal government, supervising the construction of many important projects throughout the territory, then the state of Alaska, and

Whereas, Mr. Saunders was the engineer in charge of constructing the Juneau Federal Building, which, like most of his projects, was completed on time and under budget, and

Whereas, the career of Hurff Saunders exemplifies the best qualities of public service in Alaska: perserverence, efficiency, and a love of community; now therefore,

*Be it Resolved by the Assembly of the City and Borough of Juneau, Alaska:*

Section 1. That the Alaska Congressional Delegation is respectfully requested to endorse naming the Juneau Federal Building the Hurff A. Saunders Federal Building.

Section 2. That the federal government cause a suitable bronze plaque be affixed in a place of honor in the lobby of the Hurff A. Saunders Federal Building at the time of the dedication ceremony.

Section 3. That the clerk shall distribute copies of this resolution to the Alaska Congressional Delegation.

Section 4. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 2nd day of February, 1998.

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RESOLUTION ADOPTED BY THE MEMBERSHIP OF THE JUNEAU ROTARY CLUB HONORING THE MEMORY OF HURFF A. SANDERS

Hurff A. Saunders and Florence Saunders, married for over 70 years, moved from South Dakota to Ketchikan, prior to World War II where he accepted the position of civilian engineer for the United States Coast Guard.

Whereas, Hurff A. Saunders played a critical role in the ability of our U.S. Navy and Coast Guard to navigate in the North Pacific waters by correctly determining the latitude and longitude of various key aids to navigation that were in place, but incorrectly located on official charts at the time.

Whereas, Hurff A. Saunders, in his capacity as civil engineer, supervised the construction of many important public works projects throughout the Territory and now State of Alaska, completing the projects on schedule and within budget.

Whereas, Hurff A. Saunders was invited to become a member of Rotary International, first in Ketchikan, then Juneau, and was very active at all levels, from being elected president of the Juneau Club, Governor of District 5010, and then on to the board of directors of Rotary International.

Whereas, Hurff A. Saunders accompanied by his wife Florence Saunders, most times at their own expense, represented this Rotary District at many Rotary International Conferences throughout the world during his tenure as District Governor and beyond.

Whereas, Hurff A. Saunders led his private and professional life according to his Christian beliefs and Rotary International's highest standards, being recognized as a true and effective leader.

Whereas, Hurff A. Saunders, just before his retirement in 1966, successfully completed his last federal construction project, the Juneau Federal Building, Post Office and Court House, located on 10th Street, again under budget and on time for a cost to the taxpayers of just $33.00 per square foot.

Whereas, Hurff A. Saunders life peacefully ended August 29th, 1996 shortly after his 94th birthday, here at his home in Juneau bringing him back together with his wife Florence who passed on just a little over a year earlier.

Whereas, the officers of the Juneau Rotary Club, and all its members deeply miss the presence of Hurff A. Sanders: Now, therefore be it hereby.

*Resolved,* That the Board of Directors of the Juneau Rotary Club wish to petition the office of our United States Senator Frank Murkowski, a former student of Florence Saunders in Ketchikan, to assist us in having the Juneau Federal Building, just newly remodeled, dedicated to the memory of Hurff A. Saunders by naming the building the Hurff A. Saunders Federal Building.

*Be it further resolved,* That the federal government cause a suitable bronze plaque be affixed in a place of honor in the lobby of the Hurff A. Saunders Federal Building at the time of the dedication ceremony.

Signed:

ROBERT REHFELD,
*President, Juneau Rotary Club.*

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PROPOSED RESOLUTION 97–3, ROTARY INTERNATIONAL DISTRICT 5010, CONFERENCE AT GIRDWOOD, ALASKA

To honor fellow Rotarian and Past District Governor (1966–67) Hurff A. Saunders for a life time of dedication and devotion to the Rotary Ideal ''Service above Self''.

Whereas, the service to Rotary International by Hurff A. Saunders, Past District Governor 1966–67 exemplifies truly outstanding dedication and devotion, and

Whereas, Past District Governor Saunders was a Rotarian for over 50 years with membership first in the Ketchikan Rotary Club and later with the Juneau Club and served as President of both of these clubs, and

Whereas, Past District Governor Saunders was chosen to be District Governor of District 504 during the Rotary Year of 1966–67, and

Whereas Hurff and his late wife continued the Rotary Ideal ''Service above Self'' by visiting much of the Rotary World as Chairman of Rotary International's World Community Service Committee 1968 to 1970, and

Whereas, Rotary history shows Rotarian Saunders continued his dedication with multiple Paul Harris Fellowships, service as Vice Chairman, RI Extension Committee 1970–71, and Rotary Exchange South Africa 1972; it is hereby

*Resolved* by Rotary International District 5010 that Past District Governor Hurff A. Saunders truly possessed a full measure of humanitarian attributes recognized not only by Rotary International but also by his fellow Rotarians and his community and that his dedication to ''Service above Self'' is a credit to his family and friends.

*It is further resolved,* that we as Rotarians of District 5010 by honoring his devotion and self sacrifice recognize a truly outstanding inspired leader in the Rotary world.

PURPOSE AND EFFECT

To honor Past District Governor Hurff A. Saunders.

Adopted at Conference assembled at Girdwood, Alaska, May 3, 1997.

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JUNEAU BRANCH OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS, A RESOLUTION HONORING HURFF A. SAUNDERS, ''A COMPETENT MAN'', ADOPTED APRIL 29, 1997.

Whereas, Hurff A. Saunders and Florence Saunders, married for over 70 years, moved from South Dakota to Ketchikan prior to World War II to work for the United States Coast Guard as a civilian Civil Engineer; and

Whereas, Hurff A. Saunders played a critical role in the ability of our U.S. Navy and Coast Guard to navigate in the Northern Pacific waters by correctly determining the latitude and longitude of the aids to navigation that were in place, though incorrectly located on official charts at the time; and

Whereas, Hurff A. Saunders, in his capacity as Civil Engineer, supervised the construction of many public works projects throughout the Territory and now State of Alaska, bring in the projects under budget and on time; and

Whereas, Hurff A. Saunders, just before his retirement in 1966, successfully completed

his last federal construction project, the Juneau Federal Building, Post Office and Court House, located on 10th Street in Juneau, again under budget and on time for $33.00 per square foot; and

Whereas, Hurff A. Saunders, life peacefully ended August 29, 1996 shortly after his 94th birthday, here in Juneau; and

Whereas, Hurff A. Saunders, the officers of the Juneau Branch of the American Society of Civil Engineers, and all its members deeply miss the presence of Hurff A. Saunders; now, therefore, be it hereby

*Resolved,* That the Officers of the Juneau Branch of the American Society of Civil Engineers wish to petition the office of our United States Senator Frank Murkowski, a former student of Florence Saunders, to assist in having the Juneau Federal Building, just remodeled, dedicated to the memory of Hurff A. Saunders by naming the building the Hurff A. Saunders Federal Building.

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Whereas, Hurff A. Saunders and Florence Saunders, married for over 70 years, moved from South Dakota to Ketchikan, prior to World War II where he accepted the position of a civilian engineer for the United States Coast Guard; and

Whereas, Hurff A. Saunders played a critical role in the ability of our U.S. Navy and Coast Guard to navigate in the North Pacific waters by correctly determining the latitude and longitude of various keys to navigation that were in place, but incorrectly located on official charts at the time; and

Whereas, Hurff A. Saunders, in his capacity as a civil engineer, supervised the construction of many important public works projects throughout the Territory and now State of Alaska, completing the projects on schedule and within budget; and

Whereas, Hurff A. Saunders was invited to become a member of Rotary International, first in Ketchikan, then in Juneau, and was very active at all levels, from being elected president of the Juneau Club, Governor of the District 501, and then on to the board of directors of Rotary International; and

Whereas, Hurff A. Saunders, accompanied by wife Florence Saunders-most time at their own expenses, represented this Rotary District at many Rotary International Conferences throughout the world during his tenure as District Governor and beyond; and

Whereas, Hurff A. Saunders, led his private and professional life according to his Christian beliefs and Rotary International's highest standards, being recognized as a true and effective leader; and

Whereas, Hurff A. Saunders, just before his retirement in 1966, successfully completed his last federal construction project, the Juneau Federal Building, Post Office and Court House, located on 10th street, again under budget and on time for a cost to the taxpayers of just under $33.00 per square foot; and

Whereas, Hurff A. Saunders life peacefully ended August 29th, 1996 shortly after his 94th birthday, here at his home in Juneau bringing him back together with his wife Florence who passed on just a little over a year earlier; and

Whereas, the officers of the Alaska Society of Professional Engineers and its members deeply miss the presence of Hurff A. Saunders: now therefore be it hereby

*Resolved,* that the Board of Alaska Society of Professional Engineers—Juneau Chapter wish to petition the office of our United States Senator Frank Murkowski, a former student of Florence Saunders in Ketchikan, to assist us in having the Juneau Federal Building, just newly remodeled, dedicated to the memory of Hurff A. Saunder by naming the building the Hurff A. Saunders Federal Building; and

*Be it further resolved,* That the federal government cause a suitable bronze plaque be affixed in a place of honor in the lobby of the Hurff A. Saunders Federal Building at the time of the dedication ceremony.

DAVID KHAN,
*President, Acting on behalf of the Board of Alaska Society of Professional Engineers—Juneau Chapter.*

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By Mr. ABRAHAM (for himself, Mr. ALLARD, Mr. HATCH, Mr. THURMOND, Mr. ENZI, Mr. HELMS, Mr. GRASSLEY, Mr. COVERDELL, and Mr. HAGEL):

S. 2033. A bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes; to the Committee on the Judiciary.

THE POWDER COCAINE MANDATORY MINIMUM SENTENCING ACT OF 1998

Mr. ABRAHAM. Mr. President, I rise to introduce the ''Powder Cocaine Mandatory Minimum Sentencing Act,'' along with Senator ALLARD and other Senators whose names I will be submitting in a moment.

This legislation will toughen sentences for drug dealers caught peddling powder cocaine.

I believe it is crucial, given our continuing struggle in the war on drugs, that we send an unwavering and unambiguous message to all Americans, and our children in particular, that the sale of illegal drugs is dangerous, wrong, and will not be tolerated.

As the father of three young children, I am deeply disturbed by recent trends in drug use. Indeed, since 1992 Washington has been losing important ground in the war on drugs. Let me cite just a few of the alarming facts:

Over the past five years, the average number of federal drug defendants prosecuted has dropped by almost 1500 cases from the 1992 level. And the average number of drug convictions has gone down by a similar amount since 1993.

The drug interdiction budget was cut by 39 percent from 1992 to 1996 and drug surveillance flights were cut in half.

The impact on our kids has been serious. In the last six years, the percentage of high school seniors admitting that they had used an illicit drug has risen by more than half.

Incredibly, 54 percent of the Class of 97 had used an illicit drug by graduation.

For 10th graders during that same time, drug use has doubled.

And—perhaps worst of all—nearly 20 percent of our 8th graders use illegal drugs.

Faced with this bad news, this year the Administration finally submitted a comprehensive long range National Drug Strategy to Congress.

Unfortunately, it took them nearly five years to take this step. And, as the numbers show, our children have been paying the price.

What is more, when it comes to one crucial part of the war on drugs—punishing drug pushers—the Administration wants to move us in the wrong direction. It would make the mandatory minimum prison sentences for crack cocaine dealers 5 times more lenient than they are today.

The President would raise, from 5 to 25 grams—that is, from about 50 to about 250 doses—the amount of crack a person could sell before triggering a mandatory 5 year sentence. And he would raise from 50 to 250 grams the amount of crack a person could sell before triggering a mandatory 10 year sentence.

This would have the effect of lowering sentences for all those who deal crack—even though just 2 years ago the President vetoed a similar proposal, explaining ''I am not going to let anyone who peddles drugs get the idea that the cost of doing business is going down.''

The President says we need to reduce crack dealer sentences because they are too tough compared to sentences for powder cocaine kingpins. I agree. It doesn't make sense for people who are higher on the drug chain to get lighter sentences than those at the bottom. But going easier on crack peddlers—the dealers who infest our school yards and playgrounds—is in my judgment the solution.

Crack is a cheap drug and highly addictive. Tough sentences for crack dealers has forced many of them to turn in their superiors in the drug trade, in exchange for leniency. Softening these sentences will remove that incentive and undermine our prosecutors.

I might add, in my State of Michigan, if we were to soften these sentences, it would create a considerable disparity between the mandatory minimums under the State law and the mandatory minimums under the Federal law. My prosecutors and local law enforcement officials are very concerned about this because it would, in effect, mean that a lot of drug dealers they are pursuing will begin making deals with and negotiating with Federal prosecutors in order to avoid the tough sanctions the people of Michigan have attempted to put into effect.

I believe there's a better way. We must reject President Clinton's proposal to lower sentences for crack dealers. Instead, let's make the sentences for powder cocaine dealers a lot tougher.

I agree with the Administration's view that the differentiation between crack and powder sentences is too sharp and should be reduced. But I do not agree with its conclusion that therefore we should lower sentences for crack dealers.

We can instead accomplish this entirely by increasing sentences for dealing powder cocaine.

For the sake of our children, I urge President Clinton to abandon his plans to lower sentences for crack dealers and instead support legislation for tougher sentences on powder dealers.

Powder sentences are too low. Powder is the raw material for crack, yet sentences for powder dealers were set before the crack epidemic, without accounting for powder's role in causing it.

Moreover, we occasionally see a large powder supplier get a lower sentence than the low-level crack dealer who resold some powder in crack form, simply because the powder dealer took the precaution of selling his product only in powder form.

That is a genuine disparity that should be remedied, although without eliminating the differential altogether.

That differential should remain, Mr. President, because, as both the President and the Sentencing Commission recognize, crack is more addictive, more available to minors, and more likely to result in violence than is powder cocaine, and hence its sale should continue to be punished more harshly.

That is why today I am introducing the Powder Cocaine Mandatory Minimum Sentencing Act.

This legislation reduces from 500 to 50 grams the amount of powder cocaine a person must be convicted of selling before receiving a mandatory 5 year minimum sentence.

By so doing it changes the quantity ratio for powder and crack cocaine from 100 to 1 to 10 to 1, the same ratio proposed by the Administration and within the range recommended by the Sentencing Commission. But this legislation reduces that ratio by getting tougher on powder dealers, not by giving a break to crack dealers.

We owe it to the thousands upon thousands of families struggling to protect their children from the scourges of drugs and drug violence to stay tough on the criminals who prey on their neighborhoods.

At this critical time it would be a catastrophic mistake to let any drug dealer think the cost of doing business is going down.

More importantly it will be nearly impossible to succeed in discouraging kids from using drugs if they learn we are lowering sentences for any drug dealers.

Protecting our kids means staying tough on those who peddle drugs and sending a clear message to our young people that we will not tolerate crack dealers in our neighborhoods.

President Clinton had it right two years ago when he said:

> We have to send a constant message to our children that drugs are illegal, drugs are dangerous, drugs may cost your life—and the penalties for dealing drugs are severe.

Unfortanately, President Clinton's new plan to reduce sentences for crack dealers does not live up to this obligation. It sends our kids exactly the wrong message and it does not do any favor to anybody except drug pushers.

In contract, the legislation I am introducing today is faithful to this obligation. It achieves a reduction in the disparity between crack and powder cocaine sentencing in the right way, through legislation making the sentences for powder cocaine dealers a lot tougher.

By enacting the Powder Cocaine Mandatory Minimum Sentencing Act we can send our kids the right message. We will not tolerate crack dealers in our neighborhoods, and we will make the sentences on powder cocaine dealers a lot tougher.

Success in the drug war depends above all on the efforts of parents, schools, churches, and medical community, local law enforcement officials and community leaders. And they are doing a great job in the drug fight. But the Federal Government must do its part too.

Washington has to renew the war on drugs. We must provide needed resources, and we must reinforce the message that drugs aren't acceptable and that drug dealers belong in prison—for a long time.

Our kids deserve no less.

I urge my colleagues to support this important legislation.

At this time, I yield to the Senator from Colorado who, under the unanimous consent that we just proposed here, will now take the floor and speak on this subject.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I thank my good friend, the Senator from Michigan, for his very hard work on this particular issue. He was working on the issue before I was elected to the Senate and is recognized for his efforts to try to control the use of illegal drugs. His national reputation precedes my meeting him here in the Senate, so the question is, How did I get involved in this particular issue? I got involved in this issue because I do hold a lot of town meetings in the State of Colorado, the State which I represent. In the inner-city areas of the Denver metropolitan area, the issue of discrepancy sentencing between powder cocaine and crack cocaine was brought up by the minority communities. There were a few members who felt the crack cocaine penalties should be less. But, by far, the majority of members in those meetings felt we needed to make tougher powder cocaine penalties because the crack cocaine penalties were working.

I also heard some concern from within the judiciary of the State of Colorado about the discrepancy between crack and powder cocaine. So that is how I got involved in the issue. Then I had introduced some legislation to deal with this issue. I had an opportunity to sit down with the Senator from Michigan and we have worked out a provision in a new bill that I think is the right answer. It does toughen the penalties on powder cocaine, brings it more in line with crack cocaine. It is a position I support. It is a position I believe the voters of Colorado and the people of Colorado, even in the minority communities, do support.

Mr. President, today I rise to address one of the most longstanding and racially sensitive disputes in the criminal justice system. Senators ABRAHAM, HATCH, FEINSTEIN, KYL, and I are introducing a bill to lessen the disparity between criminal penalties of selling crack and powder cocaine.

Under current law, a seller of 5 grams of crack cocaine receives the same mandatory 5-year prison term as a seller of 500 grams of powder cocaine. I believe this is inexcusable.

The disparity between penalties has been scrutinized by the U.S. Sentencing Commission, Congress, and the Clinton administration for the last several years. Recommendations by the administration and U.S. Sentencing Commission have called for lessening the penalties for crack dealers, bringing them closer to the lax penalties applied to powder offenders.

Our legislation rejects the administration's harmful solution. Lowering the penalty for crack to make it equal to powder cocaine penalties goes against our Nation's conviction to send a strong message to drug dealers: If you sell drugs, you are going to have to face serious consequences.

The Powder Cocaine Mandatory Minimum Sentencing Act increases the mandatory penalties for dealing powder cocaine to 50 grams receiving a 5-year minimum sentence, bringing it closer to crack's stiff sentence of 5 grams for a minimum of 5 years.

The disparity ratio of powder to crack cocaine will be a 10-to-1 ratio under our bill instead of the 100-to-1 ratio. This is the same number ratio recommended, by the way, by the commission and by the administration. This correction goes a long way in reforming the unjust disparity that we see now.

Critics of current law remind us that cocaine dealers carry powder cocaine, leaving customers the risk of converting to crack. The very core of the drug crisis in the United States begins with the arrogance of drug traffickers who have found a way to ''work the system.'' Our bill will destroy the ease drug dealers now enjoy as they choose to traffic their drug in powder form alone. No longer will the penalty price for dealing powder be a bargain for drug traffickers. The safe option for dealing cocaine will no longer exist.

During the 1980s, Congress legislated steep consequences for crack cocaine. The crack epidemic was plaguing our Nation with high crime rates and unprecedented statistics of addiction, and it warranted several drastic legal reforms. We saw the destruction wrought on entire communities by this cheap and highly addictive form of cocaine and realized that tough penalties were needed to restrict its availability.

These tougher sentences were needed, but the problem we are seeing today is that powder cocaine sentences were set before the crack epidemic began. They don't reflect the influence powder has had on crime and drug trafficking.

It is time to admit that the penalty for powder cocaine must change. The

notion that powder cocaine is not dangerous is simply false. A Rocky Mountain News reporter was killed 2 years ago when an heir to one of Colorado's largest fortunes, high on powder cocaine, plowed his sports car into the reporter's car. Ask the wife and son of this young reporter if they think the penalty for powder cocaine should be 100 times less than that of crack.

Law enforcement officials, including drug enforcement detectives in both Denver and Washington, DC, have encouraged me to pursue passage of this legislation. The National Headquarters for the Fraternal Order of Police issued a statement several weeks ago saying:

> The current disparities in the sentencing are unjust and do not provide law enforcement with the tools they need to restrict the sale of powder cocaine.
>
> The overwhelming majority of violent crime in this country is drug related. We need to do more to get and keep dealers of drugs, whatever the form, off the streets. Your bill will help us do it.

The U.S. Attorney for the District of Colorado, Henry Solano, supports this legislative concept saying:

> The law enforcement community learned years ago that the strong sentences meted out to crack cocaine dealers has had a significant deterrent effect on the production and distribution of crack.
>
> Senator Allard's proposed penalty for powder cocaine will likewise restrict the flow of powder cocaine in this country.

In light of the numerous proposals introduced to correct this problem, I encourage my colleagues to contemplate the alternatives and consider how justice is served in this matter. Maintaining the current ratio is allowing a wrongful disparity in penalties to continue. It is time to act to correct this injustice. I encourage my colleagues to support the powder cocaine mandatory minimum sentence bill.

I yield the remainder of my time to the Senator from Michigan.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I just have one or two additional comments to make before yielding the floor.

In the process of putting together this legislation which we introduce today, I had the occasion to speak to a number of people in the law enforcement community in our State, as well as individuals who have been touched in some way or another by the crack cocaine epidemic. There are two or three points I would like to enter into the RECORD at this point, in conjunction with our legislation, that are drawn from some of the comments I have heard.

One of them I have already mentioned, and that is the concerns local law enforcement people have that if we change the crack minimum mandatory threshold at the Federal level, it will create a problem in our State, and probably in a lot of other States where there are very tough mandatory minimums for crack dealing, because it will give people who are criminal defendants the option of going into the Federal system to avoid tough State-level penalties. I don't think we want to do that.

Second, it was pointed out to me that the 5-gram trigger which currently exists for crack is very appropriate for the simple reason that most drug dealers who at least deal in crack cocaine do so in very small quantities; that there are very, very, very few crack cocaine dealers who are ever dealing in quantities such as 25 grams where they can be found in possession of and dealing at that level. In fact, what happens is that they essentially hide their crack cocaine stash in locations that are very hard to trace to the dealer and carry around quantities in the 5-gram level, which is why the mandatory minimum is, in fact, only appropriate.

A third point that was made to me is the fact that by having this tough mandatory minimum in place at the Federal level, as well as in our State, at the State level, we have been very successful, through the safety valve process that exists in the Federal legislation, in getting people at the lower end of the drug chain, the crack dealer at the 5-gram level confronted with the possibility of a very severe prison sentence, to begin cooperating with authorities in exchange for the benefits to be received under the safety valve, to, in fact, begin to allow law enforcement to pursue people further up the drug chain.

Increasing the threshold for the crack mandatory minimum, as the administration has proposed and consistent with the sentencing commission's recommendations, will affect very dramatically, it is believed by at least the law enforcement people in my State, the level of cooperation people will have, because in individual transactions they will be dealing below that 25-gram level and, therefore, not confronted with the 5-year mandatory minimum threat, consequently, not nearly in the same position of jeopardy as is the case today. It means, in fact, that we might have less cooperation, less ability to pursue the people who are the drug lords rather than those who are at the dealer level.

Finally, again, I want to talk, as I said, about some of the contact we have had with the people who are victims. When we have talked to those people to the extent we have, it doesn't really matter—Senator ALLARD alluded to the racial disparity and it is a very significant issue that we are trying to address with our bill—but I have not found people, regardless of their race, whose children have been touched by a crack cocaine dealer who don't want to see the person responsible suffer consequences.

Their families are suffering consequences, their school yards are suffering consequences, their neighborhoods are suffering consequences. They believe that the people behind it —whether it is the peddler in the school yard or the kingpin selling the powder cocaine—ought to suffer the consequences, as well.

The way to do that, in my judgment, Mr. President, and the reason Senator ALLARD and I are here today, is to make it tougher on the drug kingpins and make it no easier on anybody involved in this heinous activity. We hope our colleagues will join us in this legislation.

We think the arguments for it, as we have attempted to lay it here today, should be ones that are persuasive as they have been persuasive to us.

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By Mr. DODD:

S. 2034. A bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease; to the Committee on Labor and Human Resources.

THE LYME DISEASE INITIATIVE ACT OF 1998

Mr. DODD. Mr. President, I am pleased to introduce the Lyme Disease Initiative Act of 1998, companion legislation to a bill being introduced today by Representative CHRISTOPHER H. SMITH of New Jersey. The objective of this bill is to put us on the path toward eradicating Lyme disease—a disease that is unfamiliar to some Americans, but one that those of us from Connecticut and the Northeast know all too well.

Almost everyone in my state, including myself, has seen the devastating impact that this disease can have on its victims. Lyme disease can cause serious health problems, both physical and psychiatric, and can ruin a family's life. Some damage due to the disease, especially memory loss and other brain damage, is permanent.

And we have also seen that, in many ways, efforts to educate people about this disease and to find a cure have come up short.

The number of cases reported to the CDC increased from 500 cases in 1982 to 16,000 cases in 1996. And some reports suggest that these cases only represent the tip of the iceberg—that there are in fact tens of thousands more cases that have gone unreported or undiagnosed, due in part to the lack of a standardized diagnostic test.

Studies indicate that long term treatment of infected individuals often exceeds $100,000 per person—a phenomenal cost to society. Because Lyme disease mimics other health conditions, patients often must visit multiple doctors before a proper diagnosis is made. This results in prolonged pain and suffering, unnecessary tests, and costly and futile treatments. But an even greater price is paid by the victims and their families—we can put no price tag on the emotional costs associated with this disease.

But there is hope. We are close to the approval of vaccines to prevent this disease—perhaps as soon as next spring. And combined with a strong commitment to public education, we can hope that the numbers of new families affected by this terrible disease will finally begin to diminish.

But we can't let down our guard. We can't let the promise of a vaccine to prevent Lyme disease distract us from seeking more effective ways to diagnose an treat those individuals who are already infected.

The Lyme Disease Initiative is a $100 million federal initiative which will, for the first time, establish prominent, coordinated, federal role in Lyme disease research, treatment, and education. Various agencies within the federal government have made a good start in addressing Lyme disease concerns. These efforts have been hampered, however, by a lack of interagency coordination, inconsistent funding, and limited agency staff attention. The Lyme Disease Initiative will correct these problems.

First, my bill calls for a 5 year plan to be established by the Secretary of Health and Human and Services, in coordination with the Secretary of Defense and outside experts, to advance the treatment of and a cure for Lyme disease. This legislation also sets out four critical public health goals for advancing Lyme disease research efforts which include: the development of standardized diagnostic tests; a review of current systems for reporting cases; a study on how to improve the accuracy of diagnoses; and a campaign to educate physicians how to properly diagnose and treat Lyme disease.

Other major provisions of the bill include establishing a Lyme Disease Taskforce to provide advice and expertise to Congress and federal agencies on all areas of Lyme disease policy; requiring that annual reports be submitted to Congress on the progress of NIH, CDC, and DoD with respect to the goals and programs funded in this bill; an authorization of $100 million over five years to ensure sufficient resources for critical, scientific research; and a request to the FDA rapidly and thoroughly review pending Lyme disease vaccine applications.

Summer is just around the corner. My hope is that the Lyme Disease Initiative Act of 1998 will help to ensure a future where children and their families can engage in outdoor activities without the fear of contracting this dreaded disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Lyme Disease Initiative Act of 1998''.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) The incidence of Lyme disease in the United States is increasing more rapidly than most other diseases. The Centers for Disease Control and Prevention has determined that, since 1982, there has been a 32-fold increase in reported cases.

(2) For 1996, such Centers determined that 16,455 cases of the disease were reported.

(3) There is no reliable standardized diagnostic test for Lyme disease, and it is therefore likely that the disease is severely underreported. The disease is often misdiagnosed because the symptoms of the disease mimic other health conditions.

(3) Lyme disease costs our Nation at least $60,000,000 a year in direct medical costs for early, acute cases. The costs of chronic cases of the disease, as well as the costs of lost wages and productivity, are many times higher.

(4) Many health care providers lack the necessary knowledge and expertise—particularly in non-endemic areas—to accurately diagnose Lyme disease. As a result, patients often visit multiple doctors before obtaining a diagnosis of the disease, resulting in prolonged pain and suffering, unnecessary tests, and costly and futile treatments.

**SEC. 3. PUBLIC HEALTH GOALS; FIVE-YEAR PLAN.**

(a) IN GENERAL.—The Secretary of Health and Human Services (acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health) and the Secretary of Defense shall collaborate to carry out the following:

(1) The Secretaries shall establish the goals described in subsections (c) through (f) (relating to activities to provide for a reduction in the incidence and prevalence of Lyme disease).

(2) The Secretaries shall carry out activities toward achieving the goals, which may include activities carried out directly by the Secretaries and activities carried out through awards of grants or contracts to public or nonprofit private entities.

(3) In carrying out paragraph (2), the Secretaries shall give priority—

(A) first, to achieving the goal under subsection (c);

(B) second, to achieving the goal under subsection (d);

(C) third, to achieving the goal under subsection (e); and

(D) fourth, to achieving the goal under subsection (f).

(b) FIVE-YEAR PLAN.—In carrying out subsection (a), the Secretaries shall establish a plan that, for the 5 fiscal years following the date of the enactment of this Act, provides for the activities to be carried out during such fiscal years toward achieving the goals under subsections (c) through section (f). The plan shall, as appropriate to such goals, provide for the coordination of programs and activities regarding Lyme disease that are conducted or supported by the Federal Government.

(c) FIRST GOAL: DETECTION TEST.—

(1) IN GENERAL.—For purposes of subsection (a), the goal described in this subsection is the development, by the expiration of the 18-year period beginning on the date of the enactment of this Act, of—

(A) a test for accurately determining whether an individual who has been bitten by a tick has Lyme disease; and

(B) a test for accurately determining whether a patient with such disease has been cured of the disease.

(d) SECOND GOAL: IMPROVED SURVEILLANCE AND REPORTING SYSTEM.—For purposes of subsection (a), the goal described in this subsection is to review the system in the United States for surveillance and reporting with respect to Lyme disease and to determine whether and in what manner the system can be improved (relative to the date of the enactment of this Act). In carrying out activities toward such goal, the Secretaries shall—

(1) consult with the States, units of local government, physicians, patients with Lyme disease, and organizations representing such patients;

(2) consider whether uniform formats should be developed for the reporting by physicians of cases of Lyme disease to public health officials; and

(3) with respect to health conditions that are reported by physicians as cases of Lyme disease but do not meet the criteria established by the Director of the Centers for Disease Control and Prevention to be counted as such cases, consider whether data on such health conditions should be maintained and analyzed to assist in understanding the circumstances in which Lyme disease is being diagnosed and the manner in which it is being treated.

(e) THIRD GOAL: INDICATOR REGARDING ACCURATE DIAGNOSIS.—For purposes of subsection (a), the goal described in this subsection is to determine the average number of visits to physicians that are made by patients with Lyme disease before a diagnosis of such disease is made. In carrying out activities toward such goal, the Secretaries shall conduct a study of patients and physicians in 2 or more geographic areas in which there is a significant incidence or prevalence of cases of Lyme disease.

(f) FOURTH GOAL: PHYSICIAN KNOWLEDGE.—For purposes of subsection (a), the goals described in this subsection are to make a significant increase in the number of physicians who have an appropriate level of knowledge regarding Lyme disease, and to develop and apply an objective method of determining the number of physicians who have such knowledge.

**SEC. 4. LYME DISEASE TASK FORCE.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, there shall be established in accordance with this section an advisory committee to be known as the Lyme Disease Task Force (in this section referred to as the Task Force).

(b) DUTIES.—The Task Force shall provide advice to the Secretaries with respect to achieving the goals under section 3, including advice on the plan under subsection (b) of such section.

(c) COMPOSITION.—The Task Force shall be composed of 9 members with appropriate knowledge or experience regarding Lyme disease. Of such members—

(1) 2 shall be appointed by the Secretary of Health and Human Services, after consultation with the Director of the Centers for Disease Control and Prevention;

(2) 2 shall be appointed by the Secretary of Health and Human Services, after consultation with the Director of the National Institutes of Health;

(3) 1 shall be appointed by the Secretary of Defense;

(4) 2 shall be appointed by the Speaker of the House of Representatives, after consultation with the Minority Leader of the House; and

(5) 2 shall be appointed by the President Pro Tempore of the Senate, after consultation with the Minority Leader of the Senate.

(d) CHAIR.—The Task Force shall, from among the members of the Task Force, designate an individual to serve as the chair of the Task Force.

(e) MEETINGS.—The Task Force shall meet at the call of the Chair or a majority of the members.

(f) TERM OF SERVICE.—The term of service of a member of the Task Force is the duration of the Task Force.

(g) VACANCIES.—Any vacancy in the membership of the Task Force shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to carry out the duties of the Task Force.

(h) COMPENSATION; REIMBURSEMENT OF EXPENSES.—Members of the Task Force may not receive compensation for service on the Task Force. Such members may, in accordance with chapter 57 of title 5, United States Code, be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Task Force.

(i) STAFF; ADMINISTRATIVE SUPPORT.—The Secretary of Health and Human Services shall, on a reimbursable basis, provide to the Task Force such staff, administrative support, and other assistance as may be necessary for the Task Force to effectively carry out the duties under subsection (b).

(j) TERMINATION.—The Task Force shall terminate on the date that is 90 days after the end of the fifth fiscal year that begins after the date of the enactment of this Act.

**SEC. 5. ANNUAL REPORTS.**

The Secretaries shall submit to the Congress periodic reports on the activities carried out under this Act and the extent of progress being made toward the goals established under section 3. The first such report shall be submitted not later than 18 months after the date of the enactment of this Act, and subsequent reports shall be submitted annually thereafter until the goals are met.

**SEC. 6. DEFINITION.**

For purposes of this Act, the term ''Secretaries'' means—

(1) the Secretary of Health and Human Services, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health; and

(2) the Secretary of Defense.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL INSTITUTES OF HEALTH.—In addition to other authorizations of appropriations that are available for carrying out the purposes described in this Act and that are established for the National Institutes of Health, there are authorized to be appropriated to the Director of such Institutes for such purposes $9,000,000 for each of the fiscal years 1999 through 2003.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—In addition to other authorizations of appropriations that are available for carrying out the purposes described in this Act and that are established for the Centers for Disease Control and Prevention, there are authorized to be appropriated to the Director of such Centers for such purposes $8,000,000 for each of the fiscal years 1999 through 2003.

(c) DEPARTMENT OF DEFENSE.—In addition to other authorizations of appropriations that are available for carrying out the purposes described in this Act and that are established for the Department of Defense, there are authorized to be appropriated to the Secretary of Defense for such purposes $3,000,000 for each of the fiscal years 1999 through 2003.

**SEC. 8. SENSE OF THE CONGRESS.**

It is the sense of the Congress that the Food and Drug Administration should—

(1) conduct a rapid and thorough review of new drug applications for drugs to immunize individuals against Lyme disease; and

(2) ensure that the labeling approved for such drugs specifically indicate the particular strains of Lyme disease for which the drugs provide immunization, the duration of the period of immunization, and the reliability rate of the drugs.

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By Mr. BAUCUS (for himself and Mr. JEFFORDS):

S. 2035. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, or consolidation of post offices, and for other purposes; to the Committee on Governmental Affairs.

THE COMMUNITY AND POSTAL PARTICIPATION ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce the Community and Postal Participation Act of 1998. This legislation aims to preserve the fabric of downtown American communities by giving citizens a say in Postal Service decisions to close, relocate or consolidate post offices.

Mr. President, the Postal Service is near and dear to the people of the United States. Since its establishment over 200 years ago with Benjamin Franklin as the first Postmaster General, the Postal Service has dutifully delivered the mail to generations of Americans. In many towns across the U.S., the post office is still the center of the community, the very anchor of what we fondly refer to as ''small-town America.'' Nowhere is that more true than in my own state of Montana. In Livingston, people meet to collect their mail and talk about what flies are hatching on the Yellowstone River. In Red Lodge, folks come together at the post office not only to collect their mail but to discuss last weekend's track meet. And in Plains, Montana, the place where people receive their mail is as important a meeting-spot as it was when the first post office opened there more than 115 years ago.

But sadly, Mr. President, America has seen a rash of post office closings, relocations and consolidations in recent years. From California to Connecticut, Montana to Maine, the Postal Service has proposed closing post offices located in the very heart of their communities. When the post office goes, often the central business district goes with it. And, more important, the local gathering place disappears.

Mr. President, today Senator JEFFORDS and I are introducing legislation to change that. With passage of the Community and Postal Participation Act, downtown communities will have an increased say in their future. They will have input into Postal Service decisions that affect their communities, and they will be allowed the chance to offer alternatives to Postal Service changes. Under current law, communities have little say when the USPS decides to pull up stakes. Our bill would change that by: allowing those served by a post office to receive at least 60 days' notice before the USPS decides to relocate, close or consolidate a post office; giving those affected by the closing a chance to respond to the proposed changes by offering an alternative to the USPS proposals; providing for a public hearing before a final determination is made; allowing those affected by the relocation, closing or consolidation to appeal to the Postal Rate Commission (PRC); and requiring the USPS to comply with applicable zoning, planning or land use laws.

Mr. President, I believe that with mutual cooperation, the interests of communities and the Postal Service can be served. The nature—indeed the very name—of this legislation is participation. I am confident that with its passage our communities and this important American institution may begin a new era of cooperation for the good of all involved. And we can put the community back in the Postal Service.

Mr. President, I hope my colleagues will join Senator JEFFORDS and I in passing this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2035

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Community and Postal Participation Act of 1998''.

**SEC. 2. GUIDELINES FOR RELOCATION, CLOSING, OR CONSOLIDATION OF POST OFFICES.**

Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, or consolidation of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, or consolidate that post office not later than 60 days before the proposed date of that relocation, closing, or consolidation.

''(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

''(B) The notification under paragraph (1) shall include—

''(i) an identification of the relocation, closing, or consolidation of the post office involved;

''(ii) a summary of the reasons for the relocation, closing, or consolidation; and

''(iii) the proposed date for the relocation, closing, or consolidation.

''(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, consolidation, or closing proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

''(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, and persons served by the post office that is the subject of a notice under paragraph (1) may present oral or written testimony with respect to the relocation, closing, or consolidation of the post office.

''(B) In making a determination as to whether or not to relocate, close, or consolidate a post office, the Postal Service shall consider—

''(i) the extent to which the post office is part of a core downtown business area;

''(ii) any potential effect of the relocation, closing, or consolidation on the community served by the post office;

''(iii) whether the community served by the post office opposes a relocation, closing, or consolidation;

''(iv) any potential effect of the relocation, closing, or consolidation on employees of the Postal Service employed at the post office;

''(v) whether the relocation, closing, or consolidation of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

''(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, or consolidation;

''(vii) whether postal officials engaged in negotiations with persons served by the post office concerning the proposed relocation, closing, or consolidation;

''(viii) whether management of the post office contributed to a desire to relocate;

''(ix)(I) the adequacy of the existing post office; and

''(II) whether all reasonable alternatives to relocation, closing, or consolidation have been explored; and

''(x) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, or consolidate that post office.

''(5)(A) Any determination of the Postal Service to relocate, close, or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

''(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

''(i) the determination and findings under subparagraph (A); and

''(ii) each alternative proposal and a response by the Postal Service.

''(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

''(6)(A) The Postal Service shall take no action to relocate, close, or consolidate a post office until the applicable date described in subparagraph (B).

''(B) The applicable date specified in this subparagraph is—

''(i) if no appeal is made under paragraph (7), the end of the 60-day period specified in that paragraph; or

''(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph 7(A), but not later than 120 days after the date on which the appeal is made.

''(7)(A) A determination of the Postal Service to relocate, close, or consolidate any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 60-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

''(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

''(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(ii) without observance of procedure required by law; or

''(iii) unsupported by substantial evidence on the record.

''(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

''(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(E) A determination made by the Commission shall not be subject to judicial review.

''(8) In any case in which a community has in effect procedures to address the relocation, closing, or consolidation of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, consolidation, or closing of a post office in that community in lieu of applying the procedures established in this subsection.

''(9) In making a determination to relocate, close, or consolidate any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

''(10) The relocation, closing, or consolidation of any post office under this subsection shall be conducted in accordance with section 110 of the National Historic Preservation Act (16 U.S.C. 470h–2).''.

**SEC. 3. POLICY STATEMENT.**

Section 101(g) of title 39, United States Code, is amended by adding at the end the following: ''In addition to taking into consideration the matters referred to in the preceding sentence, with respect to the creation of any new postal facility, the Postal Service shall consider the potential effects of that facility on the community to be served by that facility and the service provided by any facility in operation at the time that a determination is made whether to plan or build that facility.''.

Mr. JEFFORDS. Mr. President, I rise today to discuss a bill that my colleague Senator BAUCUS and I are introducing titled the, ''Community And Postal Participation Act of 1998'' (CAPPA).

Coming from a small town in Vermont, I understand the importance downtowns or village centers play in the identity and longevity of a community. Downtowns are where people go to socialize, shop, learn what their elected representatives are doing, and gather to celebrate holidays with their neighbors.

One of the focal points of any downtown area is the community's post office. Post offices have been part of downtowns and village centers as long as most cities and towns have existed. These post offices are often located in historic buildings and have provided towns with a sense of continuity as their communities have changed over time. The removal of this focal point can quickly lead to the disappearance of continuity and spirit of a community and then the community itself.

Mr. President, this legislation will enable the inhabitants of small villages and large towns to have a say when the Postal Service decides that their local post office will be closed, relocated, or consolidated. Some of my colleagues may ask why this legislation is necessary. A few stories from my home state of Vermont will answer this question and hopefully lead to quick passage of this important legislation.

A few years ago the general store on the green in Perkinsville, Vermont went bankrupt and the adjacent post office wanted to leave the small village center for a new building outside of town. By the time the community was aware of the project, plans were so far along—the new building had actually been constructed based on the promise of the post office as the anchor tenant—that there was no time to fully investigate in-town alternatives. One elderly resident wrote that in contrast to families now being able to walk to the post office, ''we certainly won't be walking along the busy Route 106 two miles or more to get our mail.'' The State Historic Preservation Officer commented that as people meet neighbors at the post office, the threads of community are woven and reinforced. ''It may be intangible, but its real, and such interaction is critically important to the preservation of the spirit and physical fabric of small village centers like Perkinsville.''

In 1988, the post office in the Stockbridge Vermont General Store needed to expand. The store owner tried to find money to rehabilitate an 1811 barn next to the store to provide the needed space, but was not successful. In 1990, the post office moved into a new facility located on the outskirts of Stockbridge on a previously undeveloped section of land at the intersection of two highways. People can no longer walk to the post office as they once were able to do when it was located in the village center. The relocation of the Stockbridge post office unfortunately removed one of the anchors of the community.

These are not isolated examples. I ask unanimous consent that a description of Postal Service activities related to the relocation of post offices in the Vermont towns of Fairfax, Ascutney, Taftsville, and Huntington be included for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT

FAIRFAX AND ASCUTNEY

Formerly located in an historic building at the center of Fairfax village, the Postal Service sought larger quarters and moved out of town to a new development known as the ''Fairfax Commons Shopping Center.'' Could the facility have been accommodated in the village center? Possibly, if the Postal Service had worked with the community, but no such steps were taken.

In Ascutney, the Postal Service may vacate its existing site on the village's Main Street to move around the corner toward Exit 8 of the Interstate, to a new building which will share the same floor plan as the Fairfax shopping center facility. Prescription of stock requirements and layouts

leaves little room for creative adaptation of spaces in existing buildings in existing village centers.

TAFTSVILLE

When the Postal Service advertised to lease a new, larger space for the Taftsville Post Office, housed for 65 years in the general store, people in town voiced their opposition. One resident wrote a letter to the Editor of the New York Times that focused attention on the issue. In a compromise praised by locals, an addition to the rear of the store was built to house expanded postal facilities. Village residents care about preserving village post offices as centers of community life, and will work to find solutions, if given the chance.

HUNTINGTON

Development plans were well underway to move the post office out of Huntington village to a new building before the general public was aware of the proposal. When residents found out, many voiced objection and they identified a larger, historic building in the village that could serve the Postal Service's need for expanded space. Plans are now being developed to help fund the purchase and rehab of the building for post office and other commercial use. Residents note that lack of early notification polarized the community and slowed progress of the proposed in-town solution.

Mr. JEFFORDS. Mr. President, post office relocations are not only occurring in Vermont, but all across the country. My colleagues will quickly discover similar examples in their own states where the removal of the post office has harmed the economic vitality of the downtown area, deprived citizens without cars of access, and contributed to urban sprawl.

The basic premise for this legislation is to give the individuals in a community a voice in the process of a proposed relocation, closing or consolidation of a post office. This community voice has been lacking in the current process. This bill does not give the citizenry the ultimate veto power over a relocation, closing or consolidation. Instead, the bill sets up a process that makes sure community voices and concerns are heard and taken into account by the Postal Service.

Additionally, this act will require the Postal Service to abide by local zoning laws and the historic preservation rules regarding federal buildings. Because it is a federal entity, the Postal Service has the ability to override local zoning requirements. In some cases this has lead to disruption of traffic patterns, a rejection of local safety standards, and concerns about environmental damage from problems such as storm water management.

Mr. President, post offices in Vermont and across the nation are centers of social and business interaction. In communities where post offices are located on village greens or in downtowns, they become integral to these communities' identities. I believe that this legislation will strengthen the federal-local ties of the Postal Service, help preserve our downtowns, and combat the problem of sprawl. I urge my colleagues to join Senator BAUCUS and I in support of this important legislation.

## ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 356

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1124

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1124, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1132

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1132, a bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1579

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1579, a bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Washington (Mr. GORTON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against ''slamming'' by telecommunications carriers, and for other purposes.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.