

violence. We must educate both female and male employees on domestic violence. Furthermore, there is a need to recognize the signs of potentially dangerous situations, and how to provide help once the abuse has begun. With such a program in place, we would be able to further address those problems that plague our work environments as well as our homes. It is in this spirit that I encourage my colleagues to continue to work to make the workplace as productive and efficient as possible by addressing not only alcohol and drug abuse, but domestic violence.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

In closing, let me once again state that everyone in this Chamber, both Democrats and Republicans, support the goal of the drug free workplace. H.R. 3853 attempts to address this very real problem affecting every aspect of our society.

But if we are truly serious about ending drugs in the workplace, H.R. 3853 will not be fully successful until we address the issue of cost, flexibility and employee protection. I am optimistic that before this program is implemented, these problems will be worked out.

Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself the balance of my time.

I again want to thank the gentleman from Ohio (Mr. PORTMAN) for not only his leadership on this bill but his leadership in focusing on prevention and on treatment as an important part, in addition to interdiction and the judicial approaches to the drug problem, because if we can reduce the usage at the front end, then we do not need to do as much, hopefully, long-term in law enforcement interdiction.

I also want to thank our Speaker, who brought this drug issue to the front of what we are doing in Congress. It is not just this bill today. It has been bills on education. It will be amendments and funding in appropriations bills. If we have a comprehensive effort against drug abuse, illegal narcotics in this country, we, in fact, can make dramatic advances in reducing this scourge in our country.

I also want to thank the gentleman from Illinois (Mr. HASTERT) as well as the co-chairs, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Florida (Mr. MCCOLLUM) of the Drug Task Force, and all the members of the Drug Task Force, the chairman of the Committee on Small Business and the ranking member, the gentleman from Missouri (Mr. TALENT) and the gentleman from New York (Ms. VELÁZQUEZ), and also the staff, Al Felzenberg, Harry Katrichis, Tee Rowe, and Emily Murphy, who helped accelerate a bill like this through the committee in a rapid way.

This is a dramatic example of what can happen when both parties work together to benefit the workers of America, the young people of America, the families of America. We are seeing children's lives destroyed by illegal

drugs, families destroyed by illegal drugs, our productivity and competitiveness in America destroyed by illegal drugs. This bill is one small step, a part of a continuing effort by this Congress to say, "Say no to drugs," take active action, and we can lick this problem.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 3853, The Drug-Free Workplace Act. Certainly there are many things the Federal Government can do to minimize the negative impact illicit drug users have upon society. Further expanding a philosophically bankrupt national drug war policy with the creation of yet another costly federally-funded program is not the answer.

Specifically, this bill authorizes \$10 million in fiscal year 1999 thus further shifting the cost burden from the irresponsible drug user to the taxpayer. Allowing the cost of drug use to fall on the irresponsible drug user rather than allowing that user to socialize his or her costs upon the innocent taxpayer would be a worthwhile step in the right direction. The dangerous socialization of costs is a consequence of various Federal actions.

A Federal Government which reduces the cost of drug use by supplying free needles is one example. But this practice is but a minor example of exactly how the Federal Government has made matters worse by lowering the costs and encouraging the expansion of risky behavior. We must, once and for all, expose the fallacy that problems can be solved simply by cost spreading—in other words, that all risky behavior should be socialized by the government. A Federal Government that accepts responsibility for paying the rehabilitation costs and medical costs of its citizens who act irresponsibly is certain to do only one thing— increase the number of those who engage in such behavior.

If we lower the cost of anything, we necessarily increase the incidence. But this is not only true when we are dealing with drugs. It has to do with cigarettes, alcohol, and all risky behavior. The whole tobacco legislation controversy is the natural consequence of the same flawed policy. That is, because government "must" pay the health costs of people who get sick from dangerous behavior with cigarettes, government must also regulate the tobacco companies and deprive all citizens of liberties which may at times involve risky behavior. Once the taxpayer is called upon to pay, costs skyrocket.

Moreover, the Federal Government further makes matters worse by imposing employment regulations which make it difficult to terminate employees who engage in drug or alcohol abuse. Such a regulatory regime further socializes the costs of irresponsibility upon innocents by forcing employers to continue to pay the salaries and/or health benefits of unsavory employees during rehabilitation periods.

Private employers should already be free to require drug testing as a condition or term of employment. This legislation, however, unnecessarily brings the Federal Government into this process. The threat of liability law suits will dictate that drug testing will be prevalent in jobs where abstinence from drug use is most critical. However, setting up taxpayer-funded federal programs here are not only unnecessary but ill-advised. The newspapers are replete with examples of various lawsuits filed

as a consequence of false positives resulting from both scientific and human errors. This legislation involves the Federal Government so far as to require drug testing be completed by only a few government-favored drug testers. This bill also requires those small businesses who participate to mandatorily test employees for drug and alcohol abuse. This proposition treads dangerously on grounds violative of the fourth amendment. While the bill of rights is a limitation upon actions by the Federal Government, it does not restrict the voluntary actions of private employers and their employees. The case becomes far less clear when the Federal Government involves itself in what should simply be a matter of private contract. In fact, government involvement may actually constitute a hindrance upon employers ability to adequately test those employees for whom they feel testing may be a necessary job component.

It should never go unnoticed that, as is so often the case in this Congress, constitutional authority is lacking for the further expansion of the Federal Government into the realm of small business and the means by which they hire reliable employees. The Report on H.R. 3583 cites Article I, Section 8, Clause 18 as the Constitutional authority. This clause reads "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof" (emphasis added). The authority cited requires a foregoing Power which not only is missing from the authority cited for this bill but in my close examination of Article I, Section 8, simply seems not to exist.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this bill because I believe that we should always strive to eliminate the vile plague of drug abuse. This measure will provide small businesses with protection from drug use at their workplace.

The bill aptly targets businesses consisting of 25 people or less. Such businesses currently employ approximately over 50 percent of our nation's workforce. Of those adults who abuse drugs, 74 percent are members of the workforce. As the Institute for a Drug-Free Workplace estimates, the majority of illicit drug users work for these small businesses.

The bill authorizes \$10 million to the Small Business Administration (SBA) for grants or contracts with not-for-profit organizations to provide small businesses with drug-free workplace programs. This funding is vitally important and seems justifiable in our war against drugs. Compared to many programs, \$10 million seems like a bargain.

Moreover, this measure is not simply measured based upon the millions of dollars spent to arrest and prosecute illicit drug users. The national economy is burdened with billions of dollars in losses due to the effects of illicit drug users on small businesses. In fact, the 1996 Conference Board Survey estimated the cost to the economy from absenteeism, injuries, and diminished productivity to be \$200 billion. These figures seem reasonable because absenteeism is 66 percent higher among drug users than nondrug users, health benefit utilization is 300 percent higher among drug users than nondrug users, 47 percent of workplace accidents are drug related, disciplinary actions are 90 percent higher among drug users than nondrug users, and employee