WASHINGTON, THURSDAY, JULY 29, 1999

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Pursuant to House Resolution 260, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 10 minutes.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent to consider my amendment out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The amendment will be considered.

The Clerk will read the amendment. The text of the amendment is as follows:

Amendment No. 3 printed in House Report 106-263 offered by Mr. BILBRAY:
Page 65, insert after line 24 the following:

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

Page 65, insert after line 24 the following:

Sec. 167. (a) In General.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) Exceptions.—

(1) Possession in course of employment.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(2) Participation in law enforcement operation.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

(c) Penalties.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

(d) Effective Date.—This section shall apply during fiscal year 2000 and each succeeding fiscal year.
The Chair recognizes the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this year, I reintroduced an amendment to the D.C. bill to specify that tobacco products distributed in Washington, D.C. have not been found to be a danger to public health, and continue to be a danger to public health. While Washington, D.C. has endeavored to reform and transform itself as quickly as possible on many fronts, it has not addressed the issue that continues to be the only jurisdiction within hundreds of miles of the Capitol still allowing undegraded individuals to consume and possess tobacco products.

I was intending, Mr. Chairman, to ask for a vote on this amendment. The amendment passed overwhelmingly last year and I think sent a clear message not only to Washington, D.C. that this is wrong and inappropriate but to every jurisdiction in the United States and especially to the children of this city and to the children of America, that minor's possession and use of tobacco is not acceptable to this Congress.

Mr. Chairman, I intend to withdraw this motion, and I intend to withdraw it because I have received, on July 27, a letter from Mayor Williams specifically committing to introducing legislation that seeks to prohibit tobacco use.

I talked last night with the mayor, Mr. Chairman, and he personally committed me that he will aggressively pursue this issue. He has stated that he thinks it is an outrage that Congress and Washington has not addressed this issue in the past and overlooked this issue, something that all of us could have done a long time ago.

The mayor agrees with me that, if we are going to stand up and point fingers at businesses and individuals who continue to encourage individuals to smoke, then we have an obligation to point a finger at ourselves and say even those of us in Congress and those of us in Washington have not done our fair share of addressing this hideous problem.

So, Mr. Chairman, I would ask that we give the new mayor of Washington, D.C. a chance to initiate this legislation locally and that we hold this amendment in abeyance for this year and allow them the chance to do the right thing that should have been done a long time ago.

I make a personal commitment that I will work with the mayor and the city council, but I also make the personal commitment that if Washington, D.C.'s local government agencies will not do right by the children of this city and by the children that come and visit the city, then I, along with the majority of this body, will take action to alleviate the burden of this on our citizens.

I think Mayor Williams has made a sincere request. As an ex-mayor myself, I cannot deny him this chance to make his contribution to eliminating smoking within Washington, D.C. and hopefully setting an example for those other States and other jurisdictions who have not done the same in their area.

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from the District of Columbia (Ms. Norton) for 10 minutes.

There was no objection.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply rise to thank the gentleman from California (Mr. BILBRAY) for working with me and working with Mayor Williams until we reached a satisfactory accommodation on this matter. I want to assure him that he should not have any doubt that we will, quote, do right by our own children.

All that was necessary was the opportunity for the mayor, who has, after all, had many things on his plate inheriting the kind of government he did, to get to the notion that is close to him as well, to aggressively seek legislation that would deal comprehensively with smoking and tobacco use by children.

I do want to thank the gentleman from California (Mr. BILBRAY), though, for the way in which he pursued this and to indicate to other Members that he was a stickler for the way that was satisfactory to him and to us in the way I most prefer, by simply working with me until we got it right. I appreciate the way in which he worked with me and with the city.

I want to assure other Members that I always stand ready to work, to reach a similar accommodation when they have problems that they want solved in the city.

Mr. MORAN of Virginia. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentlewoman from the District of Columbia (Ms. Norton), for yielding to me.

Mr. Chairman, I would like to begin as I did in the Appropriations Committee by thanking Chairman Clayk for his leadership in a way that was satisfactory to him and to us in the D.C. Subcommittee and prepared today's legislation.

He has made a sincere effort to familiarize himself with the affairs of the District of Columbia by walking the city's streets, meeting with Members, the city council on several occasions, and touring the District's schools, its low income housing, the courts and the administrative offices.

I know he shares my observation that many of the challenges and issues confronting the District are identical to those confronting most older urban communities. At the same time, there are a number of circumstances that make the District unique: it's a creation by Congress under Article I of the U.S. Constitution and the seat of the federal government. It has a large amount of federal property within its boundaries, and its local laws and budget may be subject to congressional review and approval.

The fact that we are considering the District of Columbia Appropriations Act for Fiscal Year 2000 reflects the District's unique status. In reviewing this legislation, let me begin by highlighting some of its positive aspects: it funds the consensus budget both the spending priorities and the tax cuts; it provides the federal funding level requested by the administration; in fact, it brings additional federal money to the District's aid, providing $8.5 million for adoption incentives for foster children; $20 million for severance pay for the Mayor's management initiative; over $13 million for expanded drug treatment programs; $17 million to fund the in-state tuition benefits initiative and close to $20 million to help the Office of Offender Supervision tackle the very serious crime problems caused by repeat offenders; and it helps address a number of city concerns from the operation of the District's courts to the hospitals.

On the whole, this legislation is an improvement over the bill that came before us last year.

With all that said, I must still object to a number of provisions that are in this legislation.

These provisions, known collectively as "riders," prohibit or tie the more the District officials and its citizens to carry out and implement their own prerogatives.

Perhaps when there was a large direct federal payment to the District's general funds, some could justify prohibiting the District's exchange program, its domestic partners' law, or even the counting of ballots on its medical marijuana initiative.

The last direct payment in the fiscal 1999 appropriations act, combined with federal grant assistance, comprised more than 43 percent of the District's budget.

Federal funds could co-mingle with local funds making it difficult to distinguish what was funded locally or with federal tax payer dollars.

The 1997 Revitalization Act changed all that and eliminated the concern that federal funds could co-mingle with local initiatives deemed inappropriate by a majority in Congress.

For all intents and purposes, the 1997 Act discontinue the direct federal payment to the District's general fund. All funds Congress may now appropriate to the general fund are for a specific spending purpose and can only be spent for that purpose.

In return for the elimination of the direct federal payment, the federal government assumed direct financial responsibility for obligations and responsibilities traditionally assumed by state governments.

Instead, the District will receive direct federal grants identical to those received by most local jurisdictions or federal payments to defray the cost of responsibilities assumed by most states and now assumed by the federal government in the case of the District.
In this light, adding language prohibiting the District from implementing local initiatives, where no federal funds are involved, is a blatant abuse of congressional power.

Using this bill to prohibit the District from using its resources to fund a needle exchange program, a program proven effective at reducing the spread of AIDS, is quite different than Congress passing a law prohibiting needle exchange programs specifically in Oklahoma City, Oklahoma, but permitting other locally funded needle exchange programs elsewhere to continue.

Prohibiting the District of Columbia from expending its use of local funds to provide abortion services for its low-income residents, when other jurisdictions are free to use local funds for similar programs is just plain wrong.

Banning the use of local funds to prohibit the District from seeking redress in federal court on its voting rights claim, is like telling the City of Boerne it could not challenge the “Religious Freedom Restoration Act” that it successfully argued before the Supreme Court.

Barring the District from implementing its local domestic partnership law is like Congress passing a law to overturn Wichita, Kansas and Jasper, Alabama’s health benefit plan for their public employees, teachers and police officers.

And, preventing the District’s election officials from counting the ballot on a local referendum is just plain anti-democratic.

You may object to the use of marijuana for medicinal purposes, but to deny the election result from being tallied is like telling the citizens of Farmington, Missouri or Manchester, New Hampshire they cannot approve their referendums to finance building new schools.

Have we become so arrogant in power and fearful of local initiatives that we have to block election results?

I know some will argue that these riders are merely an extension of current law—they are.

But, the context and circumstances with which Congress might have justified past intervention is now gone with the elimination of the direct federal payment.

Federal taxpayer funds are no longer involved.

We should, therefore, no longer concern ourselves with the actions of one local jurisdiction unless what we choose to do with it is applied equally to all jurisdictions.

If a majority in Congress can accept the Labor-HHS restriction on abortion as a compromise, then this Congress should accept similar language restricting just the use of federal funds elsewhere.

I was pleased to see that a majority of the full committee supported and approved two amendments that will permit the District to use non-federal funds to count the ballots on its referendum on the medicinal use of marijuana and revive its needle exchange program.

I should also note that the White House opposes these social riders as well.

The White House: strongly opposes the prohibition on the use of both federal and local funds to provide abortion services; objects to a provision prohibiting the use of federal or local funds to implement or enforce the District’s Health Care Benefits Expansion Act (Domestic Partners Act); strongly objects to the limit on attorneys’ fees in special education cases; and strongly opposes and may veto any bill that includes a prohibition on the use of local funds for needle exchange programs.

I encourage the House to respect the District’s right to pursue its own prerogatives with its own funds regardless of how members might feel about the merits of the specific local initiative.

We should refrain from imposing any additional restrictions on the District’s use of its own funds and support possible floor amendments that seek to remove those restrictions that still remain.

Now, Mr. Chairman, the gentleman from the District of Columbia is absolutely right, and I just want to reiterate her comments.

The amendment of the gentleman from California (Mr. Bilbray) was intended to do the right thing for the children of the District of Columbia. Tobacco usage is wrong, it is harmful, and we want to work with him to reduce the amount of tobacco smoking on the part of every age, responsible given the fact that almost 3,000 children start smoking, teenagers, every day, and about a thousand of them are going to die as a result.

So we had no objection to the good intentions of the gentleman from California (Mr. Bilbray). The only problem is the appropriateness of that kind of legislation that normally is considered by the Committee on the Judiciary and in other manners other than the Committee on Appropriations. But, again, we thank him for his amendment. We particularly thank him for withdrawing it at this time, and we certainly want to work with him in other constructive approaches to reduce the amount of tobacco usage in the District.

Ms. NORTON. Mr. Chairman, I yield back the balance of my time.

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will have inserted into the Record at the appropriate place the letters from Mayor Williams, the American Heart Association, and the Campaign for Tobacco-Free Kids, and while introducing these letters, I am hoping that the Mayor is trying to introduce these issues and that he does not run into the opposition from organizations that claim they want to do everything possible to initiate this common sense approach, but mention that one little thing of saying that we are going to keep the District of Columbia by minors.

I believe an amendment to the FY 2000 District of Columbia Appropriations would not be the appropriate vehicle. I am asking that you withdraw the proposed amendment and allow elected District officials to pursue the issues.

As our offices have discussed we share a common goal of reducing teen tobacco consumption. In fact, I have often stated that the health and safety of the District’s children is my top priority.

To this end, I have spoken with Councilmember Sandy Allen, the Chair of the Human Services Committee, and she has agreed to hold a public hearing on the issue of teen smoking as soon as the Council convenes after its recess. In addition, I will introduce legislation that seeks prohibitions on teen tobacco consumption when the City Council returns.

I look forward to your continued support and good wishes. I appreciate your willingness to work with local officials on this issue.

Sincerely, ANTHONY A. WILLIAMS, Mayor.

AMERICAN HEART ASSOCIATION, OFFICE OF COMMUNICATIONS AND ADVOCACY, Washington, DC.

Hon. BRIAN BILBRAY, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BILBRAY: Thank you for your July 8th letter regarding your continued efforts to fight the damaging effects of teen smoking and your continuing contact with my staff. While I appreciate and respect your concerns on this issue, and indeed share your goal of greatly reducing the consumption of tobacco by minors, I believe an amendment to the FY 2000 District of Columbia Appropriations would not be the appropriate vehicle. I am asking that you withdraw the proposed amendment and allow elected District officials to pursue the issues.

As our offices have discussed we share a common goal of reducing teen tobacco consumption. In fact, I have often stated that the health and safety of the District’s children is my top priority.

To this end, I have spoken with Councilmember Sandy Allen, the Chair of the Human Services Committee, and she has agreed to hold a public hearing on the issue of teen smoking as soon as the Council convenes after its recess. In addition, I will introduce legislation that seeks prohibitions on teen tobacco consumption when the City Council returns.

I look forward to your continued support and good wishes. I appreciate your willingness to work with local officials on this issue.

Sincerely, ANTHONY A. WILLIAMS, Mayor.

AMERICAN HEART ASSOCIATION, OFFICE OF COMMUNICATIONS AND ADVOCACY, Washington, DC.
Washington, DC.
derage tobacco use.
there will still be opportunities for us to
the victims of tobacco promotion.
approach to limit access to tobaccoÐand
future to accomplish this. However, unless
who are caught with tobacco. We are not op-
be penalized. Unfortunately, the United
licitate underage marketing of tobacco prod-
against selling tobacco to kids but also pub-
work to reduce tobacco use rates. A com-
prehensive program, penalizing kids will
bacco to kids are held responsible.

There is no silver bullet to reducing to-
bacco use among kids, but this amendment,
only come after or as part of a comprehen-
sive approach, which insures that adults are
being held responsible for marketing and
to children. Therefore, we ask that you
oppose this amendment. Thank you.
Sincerely,
MATTHEW L. MYERS,
Executive Vice President.
CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, August 6, 1998.
Dear Member of Congress: The Campaign for
Tobacco-Free Kids opposes the amend-
ment that may be offered later today by
Representative Bilbray to the District of Co-
lumbia appropriations bill (H.R. 4380). This
amendment would penalize youth for posses-
sion of tobacco products without creating a
thoughtful, comprehensive plan to reduce to-
bacco use among children and without first
ensuring that adults who illegally sell to-
bacco to kids are held responsible.

There is no silver bullet to reducing to-
bacco use among kids, but this amendment,
only come after or as part of a comprehen-
sive approach, which insures that adults are
being held responsible for marketing and
to children. Therefore, we ask that you
oppose this amendment. Thank you.
Sincerely,
M. CASS WHEELER,
Chief Executive Officer.
CAMPAIGN FOR TOBACCO-FREE KIDS,

Dear Representative: The Campaign for
Tobacco-Free Kids opposes the amendment
that may be offered later today by Repre-
sentative Bilbray to the District of Colum-
bia appropriations bill. This amendment
would penalize youth for possession of to-
bacco products without creating a thought-
ful, comprehensive plan to reduce tobacco
use among children and without first en-
suring that adults who illegally sell tobacco
products to minors will work to reduce tobacco use rates. A
comprehensive effective program should include not only vigorous enforcement of laws against selling tobacco to kids but also pub-
lications, community and school-based programs, and help for smokers who want to quit.

The narrow focus of this amendment will further divert resources away from effective enforcement of the current laws that prohibit re-
tailers from selling tobacco to kids. Although the District of Columbia penalizes retailers for selling to kids, the law is not being en-
forced adequately. According to Department of
Health and Human Services, compliance checks showed that 42.3 percent of retailers in D.C. sell tobacco products to minors.

Additionally, this amendment does not ad-
dress the fact that the tobacco industry
spends $5 billion a year marketing its prod-
ucts. Kids in D.C. continually see tobacco
ads on storefronts and in magazines. The to-
bacco industry's marketing tactics work: 85 percent of kids who smoke
witness tobacco ads on billboards, bus shelters, and store-
fronts. The tobacco industry's marketing
tactics work: 85 percent of kids who smoke
are at the judge's discretion.

Any discussion of holding children respon-
sible for their addiction to tobacco should
only come after or as part of a comprehen-
sive approach, which insures that adults are
being held responsible for marketing and
to children. Therefore, we ask that you
oppose this amendment. Thank you.
Sincerely,
MATTHEW L. MYERS,
Executive Vice President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia,
Washington, DC.

DEAR MAYOR WILLIAMS: I would like
to take this opportunity to congratulate you on
your recent election victory. As a part-time
resident of the District and as someone who
have spent my lifetime in government, in-
cluding two years as a councilman and six
years as a mayor, I wish you the best of luck
in your first term as Mayor of the District of
Columbia.

As you may already be aware, during the
House of Representatives Fiscal Year (FY)
1999 appropriation process I introduced an amend-
ment to the D.C. Appropriations Act
(H.R. 4380) that prohibited individuals under
the age of 18 years old from possessing and
buying tobacco products in the District of
Columbia. This amendment received
strong bipartisan support and passed through
the House by a 238-138 vote on August 6, 1999,
but unfortunately it was not included in the
final conference report.

At the time I introduced this amendment
only 21 states in the nation had minor pos-
session laws outlawing tobacco, and my amendment would have added the District of
Columbia to this growing list of states. My
amendment was very straightforward and
easy to understand. It contained a provi-
sion to exempt from this prohibition a minor in-
creasing the sale of tobacco to a minor in his or her employment while on the job.

My amendment also contained a penalty
section, which was modeled after the State of
Virginia’s penalty section for minors found
in violation of tobacco possession. For the
first violation, the minor would, at the dis-
cretion of the judge, be subject to a civil penalty
not to exceed $50. For the second viola-
tion, the minor would be subject to a civil penalty not to exceed $100. For a third or
subsequent violation, the minor would have his or her driver's license suspended for a
period of 90 consecutive days. The law also
established consistent penalties for minor possession of alcohol in the District of
Columbia. Any minor found to be in posses-
sion of tobacco may also be required to per-
form a community service and attend a tobacco
cessation program. Each of these penalties are
at the judge’s discretion.

I understand that the District of Columbia
already has tough laws on the books to ad-
dress this issue of selling tobacco to minors. My
amendment focused specifically on the possession of tobacco products by minors in
order to put minor possession of tobacco with minor possession of alcohol. All three
cities in my district have passed anti-posses-
sion laws, so I am not asking the District to
do anything my own communities have not
already done.

I was an original cosponsor of the strong
penalty section of the Bipartisan NO Tobacco for
Kids Act (H.R. 3668). The intentions of my amendment
was to encourage youth to take responsi-
ibility for their actions. Under the age of 18
know they will face a penalty for possession of tobacco, they might be de-
terred from ever starting to smoke in the first
place.

As we move forward in the 106th Congress,
I would like to know whether you plan to ad-
dress this issue at the local level. I think it
is important that all levels of government
work together to help stop children from
smoking. I also believe that we must send the
right message to our children, and the first
step in this process would be for the District
of Columbia to join Virginia, Maryland, and
the other states that have passed youth pos-
session and consumption laws. I would
appreciate knowing of your inten-
tions, and to work with you and Members
both sides of the aisle in 1999 to make sure
the important piece of legislation becomes
law.

Again, congratulations on your new posi-
tion as Mayor and I look forward to working
with you in the future.
Sincerely,
BRIAN P. BILBRAY,
Member of Congress.
Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia,
May 21, 1999.

DEAR CONGRESSMAN BILBRAY: Thank you for your letter sharing your concern about teenage smoking in the District and your congratulations on my November election to the Office of Mayor.

In response to your inquiry, the District of Columbia is addressing the issue of teen smoking through a variety of methods. DC Public Schools has two programs—The Great American Smokeout and “2 Smart 2 Smoke”—to raise children’s awareness of the dangers of smoking. Additionally, the Department of Health supports the efforts of local and community-based initiatives like “Ad-Up, Word-Up and Speak-Out,” which encourages school age children to perform their own research on the effects of advertising directed at children.

Finally, the school system recently elevated possession of tobacco to a “level one” infraction—which means violators could incur the most severe disciplinary measures, including possible suspension. To assess our progress, the District is tracking youth smoking rates through grants provided by the Center for Disease Control.

I want to assure you that I share your concern about teen smokers. Sandra Allen, Chairperson of the City Council’s Committee on Human Services, and I are working diligently to strengthen enforcement which should, in combination with the other initiatives, result in a real reduction of teenage smoking. We believe that the cumulative effect of these initiatives will have a marked improvement on the incidence of teen smoking.

Again thank you for bringing this issue to the forefront of my attention. I agree that discouraging our youth from engaging in this terrible habit of smoking is very important in the fight to curtail tobacco’s tragic and inevitable long-term effects.

Sincerely,
ANTHONY A. WILLIAMS,
Mayor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia,
Washington, D.C.

DEAR MAYOR WILLIAMS: I would like to thank you for your response to my letter regarding your youth consumption amendment and the tobacco strategies in the District of Columbia. I appreciate the information you provided regarding the programs the D.C. public schools are implementing to combat youth smoking.

As I stated in my first letter, in the 105th Congress I introduced an amendment to H.R. 4380, FY 1999 District of Columbia appropriations bill that sought to prohibit individuals under the age of 18 from possessing or consuming tobacco products in the District of Columbia. This amendment received strong bipartisan support and passed through the House by a 238-138 vote on August 6, 1998.

I intend to reintroduce this amendment to the Fiscal Year 2000 Spending Bill later in the year when Congress takes up this legislation. I believe at the same time we are educating youths on the dangers of tobacco and curtailing their use, the tobacco industry, we need to strive for new and innovative ways to reduce tobacco use along with sending a clear message to our youth that we will not tolerate the consumption of tobacco. This is what a youth consumption law in the District will accomplish.

My amendment contains a penalty section, which is modeled after the state of Virginia’s penalty section for minors found in violation of tobacco possession. For the first violation, the penalty would be a civil infraction at the discretion of the judge, be subject to a civil penalty not to exceed $50. For the second violation, the minor would be subject to a civil penalty not to exceed $50. For a third or subsequent violation, the minor would have his or her driver’s license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge’s discretion (I have attached a draft of my amendment for your convenience).

My amendment focuses specifically on the possession of tobacco products by minors in order to put minor possession of tobacco with minor possession of alcohol. If we are really serious about reducing youth consumption of tobacco we need to put it on the same level as alcohol and treat it equally.

Again, thank you for responding to my original letter and I look forward to working with you on this important issue. Please feel free to contact me if you have any additional questions.

Sincerely,
BRIAN P. BILBRAY,
Representative from California.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill from page 3, line 7, through page 25, line 12 is as read, printed in the RECORD, and ordered to amendment in the nature of a motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

For a fourth or subsequent violation, the minor would also have his or her driver’s license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge’s discretion (I have attached a draft of my amendment for your convenience).

Again thank you for bringing this issue to the forefront of my attention. I agree that discouraging our youth from engaging in this terrible habit of smoking is very important in the fight to curtail tobacco’s tragic and inevitable long-term effects.

Sincerely,
ANTHONY A. WILLIAMS,
Mayor.

CONGRESSIONAL RECORD — HOUSE

H6607

CONGRESSIONAL RECORD — HOUSE

H6607

H6607
Further, that notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget, and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis. The Office of Management and Budget, said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Operations of the Senate, and the Committee on Government Reform of the House of Representatives.

Defender Services in District of Columbia Courts

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel appointed in proceedings by the Joint Council on Medical Administration in the District of Columbia: Provided, further, that notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget, and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, as amended (Public Law 105-33, approved August 5, 1997; 111 Stat. 712, $102,500,000, of which $69,400,000 shall be for necessary expenses of Parole Revocation, Adult Probation and Parole, and Community Supervision, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $18,700,000 shall be available to the Pretrial Services Agency: Provided, That such funds shall be administered by the Joint Council on Medical Administration in the District of Columbia: Provided, further, that notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget, and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

Governmental Direction and Support

Governmental direction and support, $102,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $53,520,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the Chief of the Metropolitan Police Department: Provided further, That no funds from such appropriation shall be available for the General Services Administration to provide services in connection with services that are performed in emergencies by the National Guard in a disaster area status, and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Committee on Governmental Operations of the Senate, and the Committee on Governmental Reform of the House of Representatives: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a report setting forth a plan for the purpose of preparing the Metropolitan Police Department for the review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That the Metropolitan Police Department is authorized to accept not to exceed 31

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,355,000 (including $52,911,000 from local funds, $15,743,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be available for expenditures relating to the Business Improvement Districts Act of 1996 (D.C. Law 11-134, D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Temporary Fiscal Year Appropriation Act of 1997 (D.C. Law 12-23): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $785,670,000 (including $565,411,000 from local funds, $29,012,000 from Federal funds, and $191,247,000 from other funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed four fire apparatus: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on (1) the number of passenger-carrying vehicles and fire apparatus acquired with funds provided by this appropriations act, and the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-112 (providing for the appointment of Metropolitan Police Department's administrative personnel): That the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the written consent of, or be reimbursed in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a disaster area status, and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Committee on Governmental Operations of the Senate, and the Committee on Governmental Reform of the House of Representatives: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a report setting forth a plan for the purpose of preparing the Metropolitan Police Department for the review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That the Metropolitan Police Department is authorized to accept not to exceed 31
motor vehicles for exclusive use in the driver education program; Provided further, That not to exceed $2,500 for the Superintendent of Schools; $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds in this Act may be available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee, who is not on the list of persons named in the attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, to take the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.).

Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $353,375,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): Provided, That $25,150,000 of this appropriation, to remain available until expended, shall be available for the planning and development of the proposed New York Avenue Metrorail station).

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government, administered receivership, $345,577,000 (including $221,106,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $67,527,000, from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $350,000,000 from local funds: Provided, That the reserve shall only be expended according to criteria established by the Chief Financial Officer and approved by the District of Columbia Financial Responsibility and Management Assistance Authority, and the House and Senate Committees on Appropriations.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, $350,000,000 from local funds: Provided, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller-General (as described in GAO letter report B-279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds will be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: Provided, That for equipment leases, the Mayor may pay up to $2,000,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years: Provided further, That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $2,000,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY RESERVE

For the purpose of eliminating the $331,589,000 general fund accumulation deficit as of September 30, 1990, $38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, approved December 24, 1973, as amended (105 Stat. 540, Public Law 102-106; D.C. Code, sec. 47-321(a))(1).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL PAYMENTS

For optical and dental payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds resulting in cost savings or additional revenues, by an amount equal to such financing: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects funded under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: Provided, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projects under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $20,000,000 in local funds that result in cost savings or additional revenues funded under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 81-140; D.C. Code, sec. 43-1512 et seq.): Provided, That these improvements and the debt that are applicable to general fund capital improvement projects and set forth in this Act...
SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the payment of the non-federal share of funds authorized to be expended under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (80 Stat. 322, section 2010, D.C. Code, sec. 4-131.31 or its successor), or for any other purpose, shall be limited to the amount which was authorized by the District of Columbia government in the most current financial plan and approved by the Mayor before the appropriation is made available to pay the cost of the service rendered.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated disbursing official.

SEC. 103. None of the funds appropriated in this Act shall be available to pay the salary of any employee of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia Appropriations of the Committee on Government Operations, the Subcommittee on the District of Columbia of the House Committee on Government Operations, the Subcommittee on the District of Columbia of the Senate Committee on Governmental Affairs, the Committee on Oversight and Government Reform, the Oversight and Government Reform Committee of the District of Columbia, or their duly authorized representative.

SEC. 104. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the payment of the non-federal share of funds authorized to be expended under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (80 Stat. 322, section 2010, D.C. Code, sec. 4-131.31 or its successor), or for any other purpose, shall be limited to the amount which was authorized by the District of Columbia government in the most current financial plan and approved by the Mayor before the appropriation is made available to pay the cost of the service rendered.

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Enterprise Fund, the fund shall be available, when authorized by the Mayor, for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government, when authorized by the Mayor.

SEC. 107. Appropriations in this Act shall be available to the Mayor, when authorized by the Mayor, for the payment of any judgments or claims that have been entered against the District of Columbia government, when authorized by the Mayor.

SEC. 108. No part of any appropriation contained in this Act shall be used for the extension of the legal obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act shall be used for the extension of the legal obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia Appropriations of the Committee on Government Operations, the Subcommittee on the District of Columbia of the House Committee on Government Operations, the Subcommittee on the District of Columbia of the Senate Committee on Governmental Affairs, the Committee on Oversight and Government Reform, the Oversight and Government Reform Committee of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-402.11).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or for the dissemination of any policy including boycott designed to promote or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings. Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared to the planned use of appropriated funds in time for the respective upcoming budget sessions.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia. Provided, That the Council may identify the projects and amounts to be financed with such borrowings.
SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure under Contract No. 1-522 and payment No. 1-522, or specifically exempted from sequestration by such Act: (1) are sequestered by the order; (2) are specifically exempted from sequestration by such Act; (3) the amounts as required by the Secretary of the Treasury, such amounts as required by the Secretary of the Treasury, within 15 days after receipt of the report, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals, and specific modifications made to each contract in the last month; (4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and (5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entity, and the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 126. None of the funds contained in this Act may be made available to the District of Columbia for fiscal year 2001 that are prohibited from being used for any purpose by virtue of any provision of law, executive order, administrative action, or treaty. This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as “Authority”) and the Council of the District of Columbia (hereafter in this section referred to as “Council”) no later than 15 calendar days after the end of each quarter a report that sets forth—

1. current quarterly expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditures and obligations, for each quarter; and

2. a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources.

(b) A list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and appropriated funds, and specific modifications made to each contract in the last quarter; and

(c) the amount of compensation and reimbursement in excess of such maximum may be approved for any purpose by virtue of any provision of law, executive order, administrative action, or treaty. This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 128. None of the funds contained in this Act may be made available to the District of Columbia government to pay the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or

(b) The maximum amount of compensation of the attorney exceeds the maximum amount that the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.
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ABORTION FUNDS RESTRICTION

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered in case of fertilization except where the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

DOMESTIC PARTNERS FUNDS RESTRICTION

SEC. 130. None of the funds made available in this Act to implement and enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce the registration of domestic partners (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of the payment, distribution, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 131. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—
(1) a list of all changes made in the last quarter to the contracts and any modifications, extensions, renewals, and specific modifications made during the quarter;
(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, funding source, program (including funding source), activity, location for accounting purposes, job title, grade and classification, total amount of funds frozen, and the amount of funds frozen by control center, responsibility center, and agency reporting code, and object class, and for all funds, including capital financing;
(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funding sources;
(4) a list of all contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funding sources;
(5) changes made in the last quarter to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural changes.

SEC. 132. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall prepare a report setting forth detailed information regarding such grant, and the Board of Education; and
(b) changes made in the last quarter to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural changes.

SEC. 133. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

SEC. 134. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor for inclusion in the Mayor’s budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

SEC. 135. (a) CEILING ON TOTAL OPERATING EXPENSES.—
(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated for the purposes, job title, grade and classification, total amount of funds frozen, and the amount of funds frozen by control center, responsibility center, and agency reporting code, and object class, and for all funds, including capital financing; and
(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia may not reprogram for operating expenses any funds approved for DCPS and the University of the District of Columbia, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia.

SEC. 136. (a) Ceiling on Total Operating Expenses.—
(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated for operating expenses for the District of Columbia for fiscal year 2000 under the caption “Division of Expenses” shall not exceed the lesser of—
(A) the sum of the total revenues of the District of Columbia for such fiscal year; or
(B) $5,522,770,000 (of which $152,753,000 shall be from in-District funds and $3,117,254,000 shall be from Federal funds) for the purposes, job title, grade and classification, total amount of funds frozen, and the amount of funds frozen by control center, responsibility center, and agency reporting code, and object class, and for all funds, including capital financing;
(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding such grant, and the Board of Education; and
(3) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding such grant, and the Board of Education; and
(4) REPORT ON EXPENDITURE BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days before the end of each quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Affairs and the Senate, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all appropriated funds that have been expended by the Authority for the quarter. The report shall include information on the date, amount, and the description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. APPLICATION OF EXCESS REVENUES.—
Local revenues collected in excess of amounts required to support appropriations...
in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption ‘‘Division of Expenses’’ shall be applied first to a reserve account not to exceed $250,000,000 to be used to finance seasonal cash needs (in lieu of short-term borrowings); second to accelerate repayment of cash borrowed from the Water and Sewer Fund; and third to reduce the outstanding long-term bonded indebtedness.

SEC. 136. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding year, the receiver or other court-appointed official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor’s recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–305; 20 et seq.), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 137. The District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools are hereby directed to report to the Appropriations Committees of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the District of Columbia for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–305; 20 et seq.), and the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the condition of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current license; and whether the vehicle is assigned to an officer or employee of the District government. If a vehicle is assigned to an officer or employee and if so, the officer or employee’s title and resident location.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), as amended, is further amended in section 2408(a) by deleting ‘‘1999’’ and inserting ‘‘2000’’; in subsection (b), by deleting ‘‘1999’’ and inserting ‘‘2000’’; in subsection (i), by deleting ‘‘1999’’ and inserting ‘‘2000’’; and in subsection (k), by deleting ‘‘1999’’ and inserting ‘‘2000’’.

SEC. 141. Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be:

1. classified as an Educational Service employee;

2. placed under the personnel authority of the Board of Education; and

3. subject to all the provisions of the Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel and shall not compete with school-based personnel for retention purposes.

RESTRICTIONS ON USE OF OFFICIAL VEHICLES

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES:—In the case of any equipment, or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each department, agency, authority, instrumentality, and fund of the District of Columbia shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘‘Made in America’’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any assistance made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.408 of 48, Code of Federal Regulations.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICANS ACT.—Any entity receiving financial assistance from a Federal agency shall be a non-negotiable item for compliance with the Buy Americans Act for Fiscal Year 1981 and succeeding fiscal years.

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTIFICATION.—It is the sense of Congress that any entity receiving financial assistance from a Federal agency is required to comply with the Buy Americans Act for Fiscal Year 1981 and succeeding fiscal years.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘‘Made in America’’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any assistance made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.408 of 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (excluding the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless:

1. the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1985 (D.C. Code, sec. 1–182.8(a)(4)); and

2. the audit includes a comparison of audited actual year-end results with the revenue and budget documents for each year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 145. notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating the District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

RESERVE

SEC. 148. Section 202(c) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–392.11), as added by section 155 of the District of Columbia Appropriations Act, 2000, 83 Stat. 1217, is amended to read as follows:

(i) RESERVE—.

(2) EXPENDITURE.—The reserve shall only be expended according to criteria established by the Chief Financial Officer and approved by the District of Columbia Financial Responsibility and Management Assistance Authority as defined by the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995 (D.C. Code, sec. 1–182.9 et seq.).
SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit a report to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority regarding any appropriated funds not otherwise obligated for fiscal year 1999 to the District of Columbia government for such fiscal year that is in the total amount of the appropriated funds and that would be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

FOURTEENTH STREET BRIDGE
SEC. 157. Section 2206(c) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, is amended by inserting in subsection (c) the following new paragraph:

"The Mayor shall ensure that occupancy is impracticable and that real estate covered by the rental payment; or

SEC. 156. Section 2003 of the District of Columbia Home Rule Act, Public Law 93-198, as amended, is amended Ð

SEC. 155. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 154. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1995, Public Law 104-208, 110 Stat. 3009-329, is amended by inserting "and public charter" after "public".

SEC. 153. None of the funds contained in this Act may be used to enter into a lease on or after the date of enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless Ñ

SEC. 152. (a) Restrictions. ÑNone of the funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

SEC. 152. None of the Federal funds contained in this Act may be used to conduct any ballot initiative which seeks to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

SEC. 151. (a) Prohibiting Payment of Administrative Costs from Fund. ÑSection 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, Sec. 3-435) is amended Ð

SEC. 148. (a) Transfer of Funds. ÑThere is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the "Authority") to the District of Columbia the sum of $20,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: Provided, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 147. (a) Federal Funds. ÑAny unobligated balance in the Fund as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to the Treasury of the United States.

SEC. 146. (a) Annual Transfer of Unobligated Balances to Treasury. ÑSection 16(c) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, Sec. 3-435) is amended Ð

SEC. 145. The Mayor implemen

SEC. 144. The Mayor certifies to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property within 90 days of the enactment of this Act.

SEC. 143. The Mayor may enter into a lease on or after the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless Ñ

SEC. 142. (a) Restrictions. ÑNone of the funds contained in this Act may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless Ñ

SEC. 141. (a) Prohibiting Payment of Administrative Costs from Fund. ÑSection 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, Sec. 3-435) is amended Ð

SEC. 140. (a) Annual Transfer of Unobligated Balances to Treasury. ÑSection 16(c) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, Sec. 3-435) is amended Ð

SEC. 139. (a) IN GENERAL. ÑThe Mayor of the District of Columbia shall carry out the Army Corps of Engineers, an Anacostia River environmental cleanup program.

SEC. 138. (a) Transfer of Funds. ÑThere is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the "Authority") to the District of Columbia the sum of $5,000,000.

SEC. 137. Section 2206(c) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, is amended Ð

SEC. 136. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is transmitted to Congress shall specify potential adjustments that might become necessary in...
The event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 164. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, non-descriptive term, the document shall contain a detailed breakdown of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

CORPS OF ENGINEERS AUTHORIZATION TO PERFORM REPAIRS AND IMPROVEMENTS ON THE SOUTHWEST WATERFRONT

SEC. 165. In using the funds made available under this Act or any other Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 948, a portion of Lot 846, and the unassessed Federal Adjacent to Lots 846 and 847, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Authority or any entity thereof) may place orders for engineering and construction and related services with the Chief Engineer of the U.S. Army Corps of Engineers, who has the authority to accept such orders on a reimbursable basis and may provide any part of such services by contracting with other District agencies or providing such services, the Chief Engineer shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations. This section shall apply to fiscal year 2000 and each fiscal year thereafter.

SEC. 166. It is the sense of Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a proposed American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled "Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia", approved July 1, 1947 (Public Law 100-637; 36 U.S.C. 30108 note).

This title may be cited as the "District of Columbia Appropriations Act, 2000".

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for lowering taxes, and commends D.C. Act 113-111 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. COMMENDING REDUCTION OF TAXES.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the bill through page 66, line 13 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. ISTOOK: Page 65, insert after line 24 the following:

SEX OFFENDER REGISTRATION

SEC. 167. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (DC Code, sec. 24-1233(c)) is amended by adding at the end of the following new paragraph:

(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF SEX OFFENDER REGISTRATION.—(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11229(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (DC Code, sec. 24-1229(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee is appointed under section 11232(a) of such Act (hereafter referred to as the "Trustee") shall, in accordance with section 11229(b) of such Act, exert the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the "Agency") relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registry Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that we have received a request for from the District of Columbia, and in particular Linda Cropp, the council member who serves as the chairman of the city council.

Mr. Chairman, this is to permit the Federally run Office of Offender Supervision, the Court Services and Offender Service Agency, to administer the sex offender registration pursuant to local ordinance recently adopted by the District of Columbia City Council.

The City Council, on July 13, unanimously enacted their Sex Offender Registration Emergency Act of 1999 and the Sex Offender Registration Temporary Act of 1997. This provides an effective sex offender registration and community notification system within the District.

Because the Federal agency, the Court Services and Offender Supervision Agency, is now involved with the supervision of persons on pretrial release, parole and probation, it is necessary that they be authorized to administer the sex offender registration program. This legislation permits them to do that. That also permits the District to come into compliance with Federal law requiring these registries to qualify for different Federal funding.

The community notification portion, I understand, will be conducted by officials of the District Government, whereas the registration portion will be conducted under this amendment by the Federal agency involved with those that are being supervised while they are free on pretrial release, probation, parole, and so forth.

Mr. Chairman, we have worked with the ranking member, and I understand we have the consent of the gentleman from the District of Columbia as well, and I believe this amendment should prompt no objection from anyone, and that it should be adopted.

Mr. Chairman, I submit for the RECORD a letter and supporting documentation with regard to this particular issue:

COUNCIL OF THE DISTRICT OF COLUMBIA


Re: Federal legislation to effectuate D.C. sex offender registry.

Hon. ELEANOR HOLMES NORTON,
Longworth House Office Building
Washington, D.C.

DEAR CONGRESSWOMAN NORTON: We write to request that you attach the enclosed draft legislation to the next available vehicle in Congress which may present itself this week during the budget process.

At the Council’s legislative session on July 13, 1999, we voted unanimously to enact the Sex Offender Registration Emergency Act of 1999 and the Sex Offender Registration Temporary Act of 1999. The purpose of this legislation was to establish an effective sex offender registration and community notification system in the District of Columbia and to bring the District into compliance with the Jacob Wetterling Crimes Against Children and Sexual Violence Act (42 U.S.C. 14071), which establishes national criteria for such programs. A copy of the emergency act is enclosed.

The Council vested the Metropolitan Police Department ("MDP") with community notification duties regarding registered sex offenders. (See District of Columbia Code, Title 23, Sec. 1332.) The Service Improvement and Fiscal Year 2000 Budget Support Act of 1999, which will be charged with the task of registering sex offenders in the District. (See sections 5, 8, 9 and 10.) The registration function including the registration of sex offenders and informing them of registration requirements,
periodically verifying address information and other registration information, reporting changes in address, notifying other jurisdictions when sex offenders leave the District, entering information on D.C. offenders in the National Sex Offender Registry and providing information on sex offenders to the MPD. Since the Agency is already responsible for tracking and supervising released sex offenders under the Revitalization Act, it is efficient and cost-effective to have this entity perform registration functions.

The U.S. Attorney's Office has informed us that federal legislation, in the form enclosed, is needed to clarify the ability of the Agency to carry out its registration functions. The sensitive nature of tracking and supervising sex offenders, it is important that each affected governmental entity be clearly empowered to perform its functions and that the transition of registration duties from the MPD to the Agency be as seamless and prompt as possible.

Thank you for your assistance. Should you have any questions, we are available to discuss this matter with you at any time.

Sincerely,

LINDA W. CROPP,
Chairman

HAROLD BRAZIL,
Chairman

Judiciary Committee


SEC. 2. SEX OFFENDER REGISTRATION.

(a) OFFENDER SUPERVISION AGENCY.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 is amended by adding at the end the following:

``(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions authorized for the Agency by any District of Columbia law relating to sex offender registration.

(b) OFFENDER SUPERVISION TRUSTEE.—(1) As used in this subsection—

(A) "Act" means the Sex Offender Registration Emergency Act of 1999.

(B) "Agency" means the Court Services and Offender Supervision Agency for the District of Columbia;

(C) "Trustee" means the Trustee appointed under section 11232(a) of the National Capital Revitalization and Self-Government Improvement Act of 1997.

(2) The Trustee shall have the authority to exercise all powers and functions authorized for the Agency or the Trustee by the Act or by any other District of Columbia law relating to sex offender registration, effective immediately upon the Trustee's certification that the Trustee is able to assume these powers and functions. Pending a certification under this paragraph, the Metropolitan Police Department shall continue to have the authority to carry out any functions assigned to the Agency or the Trustee by the Act or any other District of Columbia law relating to sex offender registration.

EXPLANATION

The District of Columbia government has recently approved emergency legislation—the Sex Offender Registration Emergency Act of 1999—which assigns sex offender registration functions to the Court Services and Offender Supervision Agency for the District of Columbia. This section validates this assignment of responsibility, and ensures an uninterrupted transition of sex offender registration functions from the D.C. Metropolitan Police Department to the Offender Supervision Agency. The enactment of this section is necessary to implement an effective sex offender registration program in the District, to ensure compliance with the federal law standards for such programs.

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071) establishes minimum national standards for state sex offender registration programs. See 42 U.S.C. 14071 (Wetterling Act); 64 FR 572–87, 3590 (Wetterling Act guidelines). At the present time, all 50 states and the District of Columbia have passed sex offender registration programs, and are attempting to bring their programs into compliance with the Wetterling Act standards. The subsection simply empowers the Agency, with the Wetterling Act standards within the applicable statutory time frames are subject to a mandatory 10% reduction of federal Byrne Grant funding—a reduction that would cost D.C. about $200,000 a year at current funding levels.

The sex offender registration provisions initially enacted in the District of Columbia (D.C. Code §§ 24–1101 through 1117) did not achieve full compliance with the Wetterling Act standards. The legislation is largely dysfunctional, for a number of reasons: (1) The D.C. registration provisions did not reflect new requirements that Congress added to the Wetterling Act in recent amendments—for example, expanded lifetime registration requirements for the most violent and recidivistic sex offenders, and provisions promoting the registration of sex offenders in states where they work or attend school as well as states of residence. (2) The D.C. registration provisions could not operate as intended without the intended forms of the National Capital Revitalization and Self-Government Improvement Act of 1997. For example, the D.C. provisions directed the D.C. Department of Corrections to obtain registration information from incarcerated sex offenders and to advise them of registration obligations at the time of release—but this assignment of responsibility will not work in the future because all incarcerated D.C. felons will be transferred to federal Bureau of Prisons facilities under the Revitalization Act’s reentry experience. Experience has shown other problems with the original D.C. provisions. For example, the original legislation incorrectly requires the Advisory Council for risk assessments of sex offenders as the basis for registration and notification requirements. Since the Advisory Council has been totally dysfunctional as a practical matter, there is currently no community notification regarding registered sex offenders in D.C., notwithstanding the Wetterling Act’s community notification requirements and the establishment of community notification programs in most states.

The D.C. government has accordingly approved, by local legislation, a new act (the “Sex Offender Registration Emergency Act of 1999”) which will enable the District to implement an effective sex offender registration and notification program and achieve compliance with the federal Wetterling Act standards for such programs. Under the new D.C. legislation, the Metropolitan Police Department will be responsible for the community notification aspects of the program. Other sex offender registration functions will be the responsibility of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter, the “Agency”)—the entity established by the Revitalization Act to handle sex offender registration in the District. Pursuant to §§ 11232–33 of the Revitalization Act, the Agency will formally assume its duties as a federal executive agency at the end of a transitional period, and currently operates as an independent Trusteehip.

The Agency is responsible in any event for tracking and oversight of released sex offenders in the District as part of its supervisory and supervising responsibilities and is efficient to vest responsibility for sex offender registration functions in the same agency. The contemplated functions of the Agency include (inter alia) obtaining the initial registration information on sex offenders and informing them of registration requirements periodically with verification information and other registration information; adopting procedures for reporting of change of address or other changes in registration information; providing in § 18 that the Metropolitan Police Department shall have the authority to carry out the Agency’s functions under the Act. Failing the enactment of a federal law that authorizes the Agency to carry out sex offender registration functions in the District of Columbia, the proposal in this section provides the necessary federal legislation. Subsection (a) in the section amends the specification of functions to provide in § 11233(c) of the Revitalization Act to include carrying out sex offender registration functions in D.C., and provides for the Agency’s exercise of all powers and functions authorized for the Agency by the D.C. sex offender registration laws.

Subsection (b) in the section addresses more immediate transitional issues. The Agency in its current form is the office of the Trustee established by section 11232 of the Revitalization Act; this subsection provides, in part, that the Trustee shall have the authority to exercise all powers and functions authorized for the Trustee by the D.C. emergency legislation or any other D.C. law relating to sex offender registration, as indicated above, this includes (under the emergency legislation) such measures as adopting and implementing requirements and procedures for obtaining, periodically verifying, and keeping current sex offender registration information; maintaining the sex offender registry for the District of Columbia; participating in the National Sex Offender Registry on behalf of the District; and providing for sex offenders to the Metropolitan Police Department and other law enforcement and governmental agencies. The subsection refers to federal laws relating to sex offender registration, as well as to the current emergency legislation, because the emergency legislation lapses after 90 days, and will not, subject to temporary suspension of the D.C. sex offender registration acts of similar character that the Trustee will need to implement.

Since any gap between the end of the Metropolitan Police Department’s exercise of these functions and the start of the Trustee’s responsibilities might result in an abrupt cessation of all sex offender registration in the District, it is important to
ensure a seamless transition that will result in no interruption of sex offender registration. Subsection (b) accordingly provides that the transition of functions will occur when the Trustee is able to assume the pertinent powers and functions. This will enable the Trustee to make necessary institutional arrangements prior to the transition, such as training of personnel in sex offender registration requirements and procedures. Upon the Trustee’s certification, the Trustee will be authorized to immediately exercise these powers and functions. Pending the Trustee’s certification, the Metropolitan Police Department will retain the authority to carry out all functions relating to sex offender registration.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the amendment, and would simply say that we are happy that it is in the bill. This is something that we have been happy to see move forward. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

On page 56 strike lines 18 through 22 and insert in lieu thereof the following:

STERILE NEEDLES FUNDS RESTRICTION

Sec. 150. None of the funds contained in this Act may be used for any program of distribution of needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

The CHAIRMAN. Pursuant to House resolution 260, the gentleman from Kansas (Mr. TIAHRT), and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, my amendment, if passed, will retain current law, which says simply that we will not use public funds or tax dollars to provide needles for injection drug abusers to inject illegal drugs into their veins. In other words, our taxes will not be spent to enable injection drug abusers to continue a destructive behavior.

Mr. Chairman, that was the will of the House last year, it was passed by the Senate, and it was signed by the President. The President’s appointed drug czar, General Barry McCaffrey, supports this language, which publicly opposes publicly funded needle exchange programs. Let me give the highlights of his letter to me, which is shown on this chart here.

He says basically that the public health risks outweigh the benefits; that in needle exchange programs treatment should be our priority; that this sends the wrong message; and that it’s a way to enable drug abusers to get drugs.

These are very good reasons why public funds should not be used to enable people to continue their destructive behavior. As General McCaffrey also says in his letter, science is uncertain. The supporters of needle exchange programs cite successful studies. I have read many of these studies and they are very inconclusive. For example, the study that supports the needle exchange program simply measures the amount of returned needles that are positive with HIV. It does not account for those needles which are not returned, it does not account for those needles which are shared by drug abusers, but it does say that the needle exchange program is a success.

The needle exchange program is not a success, Mr. Chairman. As the Associated Press reported on July 3, this year, the Johns Hopkins University School of Public Health found in their study that in Baltimore, after 5 years of a needle exchange program, that 9 out of 10 needle-using addicts are infected with Hepatitis C, a blood-borne virus. Thanks to last year’s intervention, 9 out of 10 are infected with the deadly virus. If this is a success, then how do we define failure?

There have been more complete long-term studies in Montreal and Vancouver. These studies of numerous needle exchange programs, which have been going on for more than a decade, reveal that the death rate among illegal drug users has skyrocketed; that injection drug abusers are twice as likely to become HIV positive if they are involved in a needle exchange program than if they were not involved in the program. They also say the crime rate around the needle exchange program increases.

There has been a lot of confusing information around. For example, there is a letter by Surgeon General C. Everett Koop saying he supports the needle program. He does say it is not a panacea for all settings, but there was a conversation between the gentleman from Oklahoma and this gentleman (Mr. CUBERN), who is also a physician; and I would like the gentleman from Oklahoma to discuss with my colleagues his conversation with C. Everett Koop of just yesterday.

Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. CUBERN).

From the Policy Review, July-August, 1998 KILLING THEM SOFTLY

(By Joan Locante)

The Clinton administration says giving clean needles to injection drug users will slow the spread of AIDS and save lives. But former addicts—and the specialists who treat them—say their greatest threats come from the soul-destroying culture of addiction. That is, a midriff from Manhattan’s West 37th Street, about two blocks south of the Port Authority bus terminal, sits the Positive Health Project, one of 11 needle-exchange outlets in New York City. This particular neighborhood, dotted by X-rated video stores, peep shows, and a grimy hot dog stand, could probably tolerate some positivism. Says Shalala, “This is another life-saving intervention.” That message is gaining ground, particularly in needle-exchange programs in 29 states, distributing millions of syringes each year.

Critics say free needles just make it easier for addicts to go about their business: abusing drugs. Ronn Constable, a Brooklynite who used heroin and cocaine for nearly 20 years, says he would have welcomed the needle-exchange program—for saving him money. “An addict doesn’t want to spend a dollar on anything else but his drugs,” he says.

Do needle exchanges, then, save lives or fuel addiction? The issue flared up earlier this year when Shalala indicated the Clinton Administration would lift the ban on federal funding. Barry McCaffrey, the national drug policy chief, denounced the move, saying it would sanction drug use. Fearing a political backlash, the White House upheld the federal ban but continues to trumpet the effectiveness of needle exchange programs. Meanwhile, Representative Gerald Solomon and Senator Paul Wellstone are pushing legislation in Congress to extend the prohibition indefinitely.

The debate reveals a deepening philosophical rift between the medical and moral approaches to coping with social ills. Joined by much of the scientific community, the Clinton administration has tacitly embraced a profoundly misguided notion: that we must confront drug abusers on moral or religious grounds. Instead, we should use medical interventions to minimize the harm their behavior invites. Directors of needle-exchange outlets pride themselves on running “nonjudgmental” programs while insisting they do not encourage illegal drug use, suppliers distribute “safe crack kits” explaining the best ways to inject crack cocaine. Willie Easterlin, an outreach worker at a needle-exchange van in Brooklyn, sums up the philosophy this way: “I have to give you a needle. I can’t judge.”

Mr. Chairman, that was the first thing they teach us. This approach, however well intentioned, ignores the soul-controlling darkness of addiction and the moral freefall that sustains it. Daniel Patrick Moynihan, the first and foremost priority. Heroin first, then breathing, then food.”
It is true that needle-sharing among IV drug users is a major source of HIV transmission, and that the incidence of HIV is rising most rapidly among this group—a population that now numbers about 2.5 million globally. Last year, about 30 percent of all new HIV infections were linked to IV drug use. The Clinton administration is correct to call this a major public health emergency.

Nevertheless, NEP advocates see studies as the basis of their program's effectiveness in reducing HIV transmission among high-risk groups. The best studies created a happy, coherent picture of a reduction in HIV levels. No wonder the authors could say for the programs that "the existing data is flawed," says Jarlais, a researcher at New York's Beth Israel Medical Center, writes in a 1996 report on AIDS. But the results are compelling. "We believe caution is warranted warning: "We believe caution is warranted," says Julie Bruneau of the University of Montreal, the lead researcher. Bruneau's team then issued a warning: "We believe caution is warranted before accepting NEPs as uniformly beneficial in any setting.

The findings have sent supporters into a frenzy, with many fretting about their impact on public funding. "While it was important that the study be published," Peter Smith, founder of Americans for a Sound AIDS/HIV Policy, says, "what information outweighs the political costs is another matter." In a bizarre New York Times op-ed, Bruneau recently disavowed some of her own conclusions. She said the results could be explained by higher-risk behavior engaged in by program users, a claim anticipated and rejected by her own lead researcher. Bruneau's team then issued a warning: "We believe caution is warranted before accepting NEPs as uniformly beneficial in any setting.

And that objection lands NEP supporters in the horns of a dilemma: any control weaknesses in the Canadian reports are also present in the pro-exchange studies. "You can't have it both ways," Kleber says. "You can't have an AIDS/HIV program that people are not using without applying the same scientific measures to the studies you feel are on your side."

But it's not as simple as that. Attending an NEP was "a strong predictor" of the risk of contracting HIV, according to Julie Bruneau of the University of Montreal, the lead researcher. Bruneau's team then issued a warning: "We believe caution is warranted before accepting NEPs as uniformly beneficial in any setting.

The findings have sent supporters into a frenzy, with many fretting about their impact on public funding. "While it was important that the study be published," Peter Smith, founder of Americans for a Sound AIDS/HIV Policy, says, "what information outweighs the political costs is another matter." In a bizarre New York Times op-ed, Bruneau recently disavowed some of her own conclusions. She said the results could be explained by higher-risk behavior engaged in by program users, a claim anticipated and rejected by her own lead researcher. Bruneau's team then issued a warning: "We believe caution is warranted before accepting NEPs as uniformly beneficial in any setting.

And that objection lands NEP supporters in the horns of a dilemma: any control weaknesses in the Canadian reports are also present in the pro-exchange studies. "You can't have it both ways," Kleber says. "You can't have an AIDS/HIV program that people are not using without applying the same scientific measures to the studies you feel are on your side."

Defending an expansion of the programs, AIDS policy czar Thurman says, "We need to let science drive the issue of needle exchange." The best that can be said for the evidence so far is that it doesn't tell us much. Without better-controlled studies, science cannot be hauled out as a witness for either side of the debate.

DEATH-DEFYING LOGIC

Critics of needle exchanges are forced to admit there's a certain logic to the concept,
at least in theory: Give enough clean needles to an IV drug user and he won't bum contaminated "spikes" when he wants a fix.

But ex-addicts themselves, and the medical specialists who treat them, say it isn't that simple. "People think that everybody in shooting galleries worries about AIDS or syphilis or crack-addicted babies. That's the least of their worries," says Joes Casper, the director of adult programs at Phoenix House in Manhattan. "While they're using, all they can think about is continuing to use and where they're going to get their next high."

Indeed, the NEP crowd mistakenly as-

sumes that most addicts worry about getting AIDS or anything else. The practicalities and physiology of addiction usually do not allow them the luxury. "Once they start pumping their system with drugs, judgment disappears. Memory disappears. Nutrition disappears. The ability to evaluate their life needs disappears," says Eric Voth, the chair-

man of the International Drug Strategy In-

titute and one of the nation's leading addic-
tion specialists. "What makes anybody think they'll make clean needles a priority?"

Ron Constable, director of a program at Teen Challenge International in New York, says his addiction consumed him 24 hours a day, seven days a week. "Addicts call it "chasing up," feeding their addictions to get the high, and planning the next hit before with-

drawal. "If for severe addicts, that's all they do," Constable says. "Their whole life is just scheme to get their next dollar to get their next fix of dope."

Ernesto Margaro fed his heroin habit for seven years, at times going through 40 bags— or 800 needles—a week. He started with in-
toxicating drugs in the Bedford-Stuyvesant section of Brooklyn with a few of his friends. A man stumbled out onto the sidewalk and collapsed. He was dying.

"I opened a fire hydrant on him. "When he finally came to, the first thing we asked him was where he got that dope from," he says. "We needed to know, because if it had made him feel like that, we were going to take just a little bit less than he did."

This is typical of the hard-core user: The newest, most potent batch of heroin on the streets, the one causing the most deaths, is that really so awful?"

The only way a drug addict is going to change is, of course, sexual inter-
course. "Sex is a currency in the drug world," says Horton of Phoenix House. "It is a major mode of HIV infection. You don't address that exchange, you can't." At least a third of the women in treatment at the Brooklyn Teen Challenge had been lured into prostitution. About 45 percent of the female clients in Manhattan's Phoenix House contracted HIV by exchanging sex for drugs. In trying to explain the high HIV rates in Vancouver, researchers admitted "they often turn to prostitution—no matter how many clean needles are in the cupboard. And the most common way of contracting HIV is, of course, sexual intercourse."

"Needle-exchange programs are doing brisk business all over the country: San Diego, Se-

attle, Denver, Baltimore, Boston, and be-

yond. San Francisco alone hands out 2 million needles a year. More than 50 percent of addicts say they aren't worried about HIV, then why do they come?"

The only way a drug addict is going to consider stopping is by experiencing pain," says Robert Dupont, a clinical professor of psychiatry at Georgetown University Medical School. "Pain is what helps to break their delusion," says David Batty, the direc-
tor of Teen Challenge in Brooklyn. "The faster they realize they're on a dead-end street, the faster they see the need to change."

Better law enforcement, linked to drug courts and alternative sentencing for offend-
ers, will be the best way to get the road signs up ahead. "It is common for an addict to say that saved his life."
says Dr. Janet Lapey, the president of Drug Watch International. "Not until the drugs are out of his system does he usually think clearly enough to see the harm drugs are causing him daily."

The key is to use the threat of jail time to prod offenders into long-term treatment. More judges seem ready to do this, and it's not hard to find, about 35 percent of all drug-related crime in New York was connected to drug use, according to law enforcement officials. Today it's about 85 percent.

There is an enormous increase in drug-related crime because the only response of society has been a jail cell," says Brooklyn district attorney Charles Hynes. "But it is morally and fiscally irresponsible to warehouse nonviolent drug addicts." Since 1990, Hynes has helped reshape the city's drug-court system to offer nonviolent addicts a choice: two to four years in prison or a shot at rehabilitation and job training.

Many treatment specialists believe drug therapies will fail unless they're backed up with punishment and other pressures. Addicts need "socially imposed consequences" at the earliest possible stage—and the simplest way is through the criminal justice system, says Dupont, a former director of NIDA. Sally Satel, a psychiatrist specializing in addiction, says "coercion can be the clinician's best friend."

"That may not be true of all addicts, but it took stiff medicine to finally get the attention of Canzada Edmonds, a heroin user for 27 years who entered Teen Challenge in New York in January 1995 and has been free of drugs ever since.

Anon, who was living in Washington, D.C., which in the early 1990s had passed tougher sentencing laws for felony drug offenders. After her third felony arrest, a district judge said she was going to prison for 30 years or—on or a trip to a residential rehab program. Edmonds went to Teen Challenge in New York in January 1995 and has been free of drugs ever since.

REDUCING HARM

Needle-exchange advocates chafe at the thought of coercing drug users into treatment. This signals perhaps their most grievous omission: They refuse to challenge the self-absorption that nourishes drug addiction.

In medical terms, it's called "reductionism"—the reasonable behavior and try to minimize its effects with health services and education. Some needle exchanges, for example, distribute guides to safer drug use. An pamphlet from an NEP in Bridgeport, Connecticut, explains how to prepare crack cocaine for injection (see box). It then urges users to "take care of your veins. Rotate injection sites and keep them off them, too." The minister must take care of himself.

"Hard reductionism is the policy manifestation of the addict's personal wish," says Satel, "which is to use drugs without consequence. Its backer is the community, which is, as the American Medical Association, the American Public Health Association, and the National Academy of Sciences. In legal terms, hard reductionism means the decriminalization of drug use. Legalization advocates, from financier George Soros to the Drug Policy Foundation, are staunch allies of needle-exchange supporters. San Francisco mayor Willie Brown, who presides over perhaps the nation's busiest needle programs, is a leader of the hard reductionist movement.

"It is time," he has written, "to stop allowing moral or religious tradition to define our approach to a medical emergency."

The minister must take care of himself.

H6620
CONGRESSIONAL RECORD -- HOUSE
July 29, 1999

As in AA, members must admit they can't end their addiction on their own. The philosophy's second step is the belief that "a power greater than ourselves can restore us to sanity." NA considers this a religious belief, but urges members to seek "spiritual awakening"—however they choose to define it—to help them stay clean.

Teen Challenge, founded in 1958 by Pentecostal minister David Wilkerson, is a pioneer in therapeutic communities and has achieved some remarkable results in getting addicts off drugs permanently. The federal study found that 86 percent of the program's graduates were drug free seven years after completing the regimen. On any given day, there are 2,000 places for addicts in its 125 residential centers nationwide.

The program uses an unapologetically Christian model of education and counseling. Moral and spiritual problems are assumed to lie at the root of drug addiction. Explains a former addict, who was gang-raped when she was 13, "I didn't want to feel what I was feeling about the rape—the anger, the hate—I began to medicate. It was my way of coping." Though acknowledging that the reasons drug use are complex, counselors at Teen Challenge link Christian principles of recovery. Ronn Constable says he tried several rehab programs, but failed to change his personal life until he turned to faith in Christ. He has been steadily employed and free of drugs for 11 years.

"Sin is the fuel behind addiction," Constable says, "but in the end, if I don't let me be tempted beyond what I can bear."

He is typical of former addicts at Teen Challenge, who say their continued recovery hinge on their trust in God and obedience to the Bible. Warnings Edmonds, "If you do not make a decision to turn your will and your lives over to the care of God, you will be led to destruction."

Moral and spiritual problems are assumed to lie at the root of drug addiction.

What shortcut to sanity?" New York's ADAPT program, which says its members give out at least 350,000 needles a year. "But to meet the demand," says Fatt, "we'd need to give out a million a day.

BRAVE NEW WORLD?

Whether secular or religious, therapeutic communities all emphasize the "community" part of their strategy. One reason is that addicts must make a clean break not only from their drug use, but from the circle of friends who help them sustain it. That means a 24-hour-a-day regimen of counseling, education, and work, with rewards and sanctions to reinforce good behavior. Though clients are not locked in at night, police send out "warrant teams" to make regular visits.

Prosecutors use the approach because of its relatively high retention rates. Sixty percent graduate from the program, Swn says, compared to the 13 percent national average for drug programs. Graduates usually undergo 24 months of treatment and must find housing and employment. Says Horton, "The ability of a judge to tell an addict it's Rikers Island or Phoenix House is a very effective tool."

Narcotics Anonymous (NA), like Alcoholics Anonymous (AA), is a community-based association of recovering addicts. Since its formation in the 1950s, NA has stressed the therapeutic value of helping other addicts; its trademark is the 12-step philosophy's second step is the belief that "a power greater than ourselves can restore us to sanity." NA considers this a religious belief, but urges members to seek "spiritual awakening"—however they choose to define it—to help them stay clean. But to meet the demand," says Fatt, "we'd need to give out a million a day."

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What shortcut to sanity?" New York's ADAPT program, which says its members give out at least 350,000 needles a year. "But to meet the demand," says Fatt, "we'd need to give out a million a day.
A million a day? Now that would be a Brave New World: Intra venous drug users with lots of drugs, all the needles they want, and police-free zones in which to work. Are we really to believe this strategy will contain the AIDS virus?

This is not compassion, it is ill-conceived policy. This is not “saving lives,” but abandoning them—consigning countless thousands to drug-induced deaths on the installment plan. For when a culture winkles at drug use, it gets a population of Waiters: “Don’t get the idea in your mind you’re going to control it.”

Mr. COBURN. Mr. Chairman, there is not anybody that I probably respect more than the former Surgeon General, C. Everett Koop. When I saw a copy of the letter that he sent our Speaker yesterday I knew something was wrong. So I called him and I asked him about his letter.

Mr. Chairman, I asked him the following four questions. I said, “Dr. Koop, have you read these studies?” What was the answer? No. “Dr. Koop, do you think needle exchange programs, as presently designed in the United States, will work?” The answer was no. “Dr. Koop, why did you write the letter?” The answer: “Because in the areas in Europe where I have seen these programs work, where every needle is actually accounted for, there is some hope that they work.”

He then went on to offer the fact that he knew that in communities where there is some drug abuse, and he mentioned specifically Harlem, that a needle exchange program would not work because the culture of the addicts in our society is they will not account for the needle. They have no idea where they left them.

So, as we consider his letter and his conversation with me, it falls prey to the same that we have seen on this debate, and that is the people who believe it is good have never read the studies.

The science undoubtedly shows that we have an increase in Hepatitis B, Hepatitis C, and HIV. With every study that has been done thus far, if we account for those that are in the study at the beginning and at the end and because we want to help people, we are about to do something very, very wrong.

I hope to be able to speak on the subject again.

Mr. Chairman, I include for the RECORD the following letter from C. Everett Koop:

C. EVERETT KOOP, M.D., SC.D., SURGEON GENERAL (RET.), U.S. PUBLIC HEALTH SERVICE,

Hon. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
The Capitol, Washington, DC.

Dear Mr. Speaker: Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I am now writing to express my strong belief that local programs of clean needle exchange can be an effective means of preventing transmissions of the disease and increasing the use of illicit drugs. While I do not believe that clean needle programs are a panacea for all settings, it is clear from careful and well-documented public health studies that such programs have worked in many areas and have great potential for making further reductions in the incidence of new infections.

Consequently, it would be counterproductive for the Congress to enact a Federal measure that would limit the ability of local and State public health agencies and voluntary organizations to carry out needle exchange programs. Such action by the Congress would undoubtedly result in HIV infections that could have been prevented and would unnecessarily enlarge and prolong the epidemic. If local authorities or organizations determine that needle exchange programs are appropriate to the epidemic as it affects their communities, the Congress should allow them to use all possible measures and funding sources to stem the spread of this deadly disease.

I urge you to oppose any effort to limit the public health response to the AIDS epidemic. Sincerely,

C. EVERETT KOOP, M.D., SC.D.

Mr. TIAHRT. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to extend the debate by 10 minutes on each side. I believe that the proponent of the amendment will find that agreeable.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, some studies have been cited by the gentleman from Kansas (Mr. TIAHRT) and the gentleman from Oklahoma (Mr. COBURN).

We have a response from General McCaffrey. General McCaffrey does make it clear that he supports the language that is in this bill. The language in this bill was put in in full committee by a vote of 33 to 23, a bipartisan vote, to say no Federal funds can be used for free needle exchange programs.

All we are asking, Mr. Chairman, is that this body agree to that restriction. We ask for two reasons. The principal reason is that is our only jurisdiction, the use of Federal funds, for which we are responsible.

The second is that we will show very compelling evidence that the District of Columbia knew what it was doing when it started this program. Let me share with my colleagues some of these facts.

The District of Columbia has an HIV/AIDS epidemic, one of the worst in the country. They have the highest rate of new HIV infections in the entire country, the worst.

Intravenous drug use is the second leading cause of HIV transmission/AIDS. That is what we are talking about basically. It accounts for more than a quarter of all the new infections. Deaths attributed to AIDS from HIV transmission in D.C. is more than seven times the national average.

Listen to this please, my colleagues: AIDS is the leading cause of death for all African-American residents between the ages of 30 and 44, the leading cause of death. African-Americans are the hardest hit by intravenous transmission from dirty needles of the HIV virus. Ninety-six percent of those infected with HIV as a result of intravenous drug use in the District of Columbia are African-Americans.

Women and children are also disproportionately affected. Drug use is the highest mode of transmission of HIV for women in the United States, African-American women are getting AIDS at the fastest rate. This is the most serious aspect of the AIDS epidemic in D.C., which is the worst in the country. And the principal way they get AIDS is through dirty needles.

Seventy-five percent of the babies born with HIV, and what could be more disturbing to us, what could break our hearts, is that of the babies born with AIDS, 75 percent of the babies born with HIV are infected as a result of the

Mr. TIAHRT. Mr. Chairman, I reserve

Mr. Chairman, when I realized that I was going to have to debate the gentleman from Kansas (Mr. TIAHRT) on this issue and take the position in favor of needle exchange programs, I groaned. I did not want to do this. Because if the face of the gentleman’s reaction was, my gosh, why would we ever give free needles to drug addicts?

Well, the fact is, Mr. Chairman, that the facts are compelling. The District of Columbia knew exactly what it was doing when it started this program.

Let me share with my colleagues some of these facts.

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Seventy-five percent of the babies born with HIV, and what could be more disturbing to us, what could break our hearts, is that of the babies born with AIDS, 75 percent of the babies born with HIV are infected as a result of the
the only jurisdiction in the entire country that is prohibited from implementing this program.

113 other jurisdictions throughout the country have this program. All of the experts say it is effective. D.C. has the worst rate of drug use in the world, because of this Congress, they cannot use the one program that has been proven to be effective. That is why we oppose this amendment.

We are not even suggesting that we use Federal funds. All we are asking is that we stick with the language that says no Federal funds can be used for a needle exchange program.

But gosh, please let the residents of the District of Columbia and particularly its elected leaders, elected directly by the citizens of the District of Columbia, let them be able to use their local funds and let private donations be used for this program. It is a small program. It is inexpensive. It is run by the Whitman-Walker Clinic, a very credible organization. They do wonderful work.

The reason why these programs are so effective is because when people come in to get free needles, they then have to get registered, that way we know who are the drug addicts. They then go into counseling. They then go into treatment. They will be exposed to the whole gamut of programs designed to treat their drug addiction and to make them healthy and to protect their babies.

This is the gateway; this is the way we get access to people who desperately need this program. To prevent the District of Columbia from using this gateway to cure people, to get them off their addiction, to save these babies, we need this program.

Again, let me just remind my colleagues, we are asking for Federal funds. We are asking them to support language that says no Federal funds can be used for this program.

Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to remind the Members that under current law there is a program that does distribute needles here in the District of Columbia. It is called "Prevention Works."

There is nothing in current law that I am trying to preserve that would prevent that from continuing.

Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Kansas (Mr. TIAHRT) that will reaffirm the Federal Government's commitment to the war on drugs by prohibiting Federal and District funds from being used to implement needle exchange programs. These programs are harmful to communities and undermines our Nation's drug control efforts.

Drug abuse continues to ravage our community, our schools, and our children. Heroin use is again on the rise. Thousands of children will inject hard-core drugs, like heroin and cocaine, for the first time this year and many will die.

To deal with this problem, we must have a firm commitment by the Federal Government to end the cycle of addiction and abuse that destroys so many lives.

Providing free hypodermic needles to addicts so they can continue to inject illegal drugs sends a terrible message to our children that Congress has given up on the fight to stop illegal drug use and that the Federal Government implicitly condones this illegal activity.

As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier, to practice this deadly habit. We should not tell our children do not do drugs, on the one hand, while giving them free needles to shoot up with in the other.

We need a national control policy which emphasizes education, interdiction, prevention, and treatment, not subsidies for addicts.

The results of community-based needle exchange programs have been disastrous. Needle exchange programs result in towns with higher crime, schools that are littered with used drugs, paraphernalia, and neighborhoods that are magnets for drug addicts and the high-risk behavior that accompany them.

The medical evidence behind these dangerous programs is inconclusive at best. Studies have shown that addicts who use needle exchange programs are more likely to contract HIV or other blood-borne viruses.

A recent study published by the American Journal of Epidemiology concluded that there was no indication that needle exchanges protected against blood-borne infections. In fact, the study was an indication of a protective effect of syringe exchange against HBV or HCV infection. Indeed, highest incidence of infection occurred among current users of the exchange, even after adjusting for confounding variables.

Here in the District of Columbia, the problem persists. It has been noted that the District of Columbia has the highest incidence of new HIV infection in the country, and yet we have had needle exchange programs here for 7 years.

It is time to halt any government support of this. Support the Tiahrt amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from the District of Columbia (Ms. NORTON) the only Member of this body who is elected by the citizens of the District of Columbia.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is the most inflammatory and heartless of the harshly anti-Democratic amendments before us today. It says "drop dead" to the people I represent.

I oppose this amendment because it is outrageously discriminatory to pick out one jurisdiction in the United States that may not use its own funds to save the lives of its own people.

We have seen an attempt to take back the words of Dr. C. Everett Koop. Nothing can take back what he said. He expresses his "strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease."

And he says that if local authorities and organizations determine it is appropriate, "Congress should allow them to use all possible measures."

My police chief, Charles Ramsey, said that "the program is necessitated by the need to effectively combat the spread of HIV-AIDS." He says, "it is well-managed and has an exemplary return rate."

He says, "I have received no reports which indicate that the program has been abused in any way or has created serious public safety problems in the District."

Mr. Speaker, AIDS is out of control in my district, especially in the African American community. The program is privately run by the Whitman-Walker Clinic. It is nationally recognized.

A vote for the Tiahrt amendment assures a veto of the entire appropriation. I ask Members to defeat this amendment and rescue not only my appropriation but the potential survivors of the AIDS epidemic in the District.

Mr. TIAHRT. Mr. Chairman, I would like to remind the body that the President did sign the current law. That is what we are trying to achieve here.

Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUNDER).

Mr. SOUNDER. Mr. Chairman, I thank the gentleman from Kansas for his lead on this amendment. It is just hard for me to understand what kind of debate we are having here. This would be, I am trying to think of equivalents, of trying to battle cigarettes by giving kids free low-tar cigarettes; or trying to battle breast cancer by giving people things that cause heart disease.

Perhaps a better example would be to say that we are really worried about some kind of material, theoretically, let us say asbestos that is in the cigarette package, so we are going to give kids packages of cigarettes to smoke while we are going to make sure that the packaging does not damage them.

The fact is that heroin is a terrible scourge not only to the individual but to the communities involved. To argue that by facilitating this habit by giving the clean needles and assist the other drug programs, I am afraid that the package does not damage them.

The fact is that studies, quite frankly, have been done more methodologically correct, such as the Montreal and the
concerns that needle exchange programs may facilitate the formation of new sharing groups gathering isolated IDUs, a scenario that is consistent with our findings. Vancouver now has the highest heroin death rate in North America and is referred to as Canada’s “drugs and crime capital,” from the Washington Post in the spring of 1997. UPI had a story last July 29, “Chief: Vancouver Has Lost Drug War.” British Columbia’s police chief claims the city has lost the war on drugs and now the city is proposing to give heroin addicts free heroin in addition to the free needles.

The ONDCP’s visit, some of the observations on facts are, for example, that the Vancouver needle exchange program is one of the largest in the world. It has distributed over 1 million needles annually.

B. Rates among participants in the needle exchange program are higher than the HIV rate among drug users who do not participate. So in the same heroin drug users, it is higher if you participate in the clean needles program in the Vancouver, which is a statistically accurate study, not a random sample picked up to justify something. The death rate due to illegal drugs in Vancouver has skyrocketed since the needle exchange program was introduced. In 1988, 18 deaths were attributed to drugs; in 1993, 200 were attributed to drugs. The very thing that this program is supposed to be helping is accelerating and fixing one disease by enabling and expanding another disease and it is just ridiculous.

Mr. Chairman, I include the ONDCP Vanderbilt Needle Exchange Trip Report for the record, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY
INFORMATION—MEMORANDUM FOR THE DIRECTOR THROUGH: THE DEPUTY DIRECTOR; FROM: STRATEGY (D.D. DES ROCHES)
VANCOUVER NEEDLE EXCHANGE TRIP REPORT

1. Purpose: To provide you with field observations on needle exchange and drug abuse in Vancouver, Canada.

2. Gramercy, Washington, directed that Dr. Adger and I visit the Vancouver Needle Exchange on light of the high incidence of HIV among needle exchange participants and the skyrocketing death rate due to drug overdose in Vancouver. Jane Sanville of ODR joined the trip because of her expertise in the field of AIDS. We spoke with law enforcement and public health officials, as well as with the scientists who studied the needle exchange and those who run the needle exchange. (Trip Scheduling Team). Our visit to the U.S. Customs and Border Patrol at Blaine raised separate issues, which will be reported under separate cover.

3. Observations—facts:

A. The Vanderbilt Needle Exchange Program (NEP) is one of the largest in the world—it has distributed over 1 million needles annually for the last ten years, and close to 2.5 million needles last year alone.

B. The HIV rates among participants in the NEP is higher rate among injecting drug users who do not participate.

C. The death rate due to illegal drugs in Vancouver has skyrocketed since 1988, the year the needle exchange was introduced. In 1988, 18 deaths were attributed to drugs; in 1993 200 deaths were attributed to drugs. The Provincial Coroner told us that in March they were investigating more than 30 deaths due to drug use per week, and were on pace for 600 deaths province-wide in 1996—mostly in Vancouver. W. Wayne Widdison of DFATD, the Vancouver Port Police was disbanded. Vancouver is the most active Pacific port in North America.

E. The needle rates of property crime in Vancouver are within two blocks of the needle exchange (See maps, TAB 2).

4. Observations—Statements:

A. The single most striking point, which all interviewees stressed, was the lack of adequate drug treatment capacity in British Columbia. The head of the Vancouver-Richmond Board claimed that he could have all the needles I want, but they won’t give me a single drug treatment bed.” Other health care professionals noted the fact that government investments in drug treatment has been shuffled among various ministries, and has never been a priority.

B. Every interviewee stated that the most abused injection drug in Vancouver is cocaine. This was cited repeatedly as a major reason for the failure of needle exchange to prevent HIV, cocaine abusers typically inject much more frequently than do heroin abusers.

C. Every interviewee cited the geographic feature of Vancouver (the major drug abuse area and the location of the needle exchange) as an exacerbating factor. Bounded by railyards and docks on two sides, it is an isolated and distinct area that contains most of the serious injection drug abuse and the drug trade, as well as associated prostitution and property crime. The area has a large number of single residence occupancy hotels, which all said contributed to the “massing effect” of addicts.

D. Every interviewee said that the average age of HIV drug users has decreased in recent years.

E. Every interviewee save the Coroner pointed to the lack of turnstiles on the skytrain (elevated light rail system) as an aggravating factor, as it increased ingress for the destitute to the Downtown/Eastside area from other parts of the city.

F. The Vancouver Police interviewees stated that they had been called by other interviewees and asked what they were going to say.

G. The Director of the NEP stated that “it is ridiculous to propose that we hand out 10 needles a day.” 10 million is the number he estimated would be required to accommodate all IDUs in Vancouver and one needle per injection.

H. Every interviewee stated that the primary reasons for the increase in drug abuse was the availability of cheap drugs, and that the needle exchange had either no effect or a marginal effect on overall drug abuse.

I. The Vancouver Police stated that there are inadequate drug treatment beds in the criminal justice system. Court mandated treatment is not a reality.

J. The Vancouver Police stated that there was a 24 hour drug market and similar open drug injection activity in the area immediately adjacent to the needle exchange. During our Police Tour, agents from the Vancouver Drug Squad, we observed multiple instances of drug users injecting and purchasing drugs. A one block long alley typically had three or four people injecting, preparing to inject or moving from injecting drugs. While walking around the area, we carefully observed a needle wrapper and protective tips.

4. Observations—Report Notes:

A. Everyone save the police clearly wanted needle exchange to be successful. The police seemed to feel it was a facilitator for drug use, but officially supported it, and felt that the failure of needle exchange to stop the spread of HIV was due to three factors.

1. The NEP was set up for heroin users: the prevalence of cocaine injection (which is much more frequent) meant that the NEP would be inadequate.

2. Vancouver suffers from a “nutshell effect”—the homeless, migrants, counterfeiters and drug dealers are attracted to areas because they do not pay taxes and, at-risk personalities tend to migrate there from around the country. Everyone pointed to social policies in other Canadian provinces, especially Alberta, which encouraged socially marginal people to move to British Columbia (by providing bus tickets).

3. Vancouver was on the trailing edge of the AIDS epidemic: some stated that the NEP was founded just as AIDS began to surge. It was frequently asserted that “it would have been much worse without NEP.”

This argument would allay our concerns that needle exchange programs in other NEPs in this light—generally, NEPs in America were established on the trail edge of the epidemic. Any claimed reduction in HIV incidence might be attributable to the normal course of the disease.

B. All the ONDCP participants were amazed at the lack of treatment capacity in Vancouver. When we asked interviewees about this, they too were outspoken about inadequate treatment. Apparently, there is a waiting list for treatment for a minimum of three months prior to entering one of the few treatment spaces. Catch 22 is not just an American invention.

C. The academics who studied the NEP seemed extremely concerned by the increase in HIV among NEP participants, and devoted much of our time together to explaining how NEP frequent users were a much more marginalized group and at-risk segment of society than were infrequent NEP users. When asked if there were any studies comparing NEP frequent and non-NEP users, a prominent academic responded that they had no way to interview non-NEP users.

D. Property crime of all sorts in Vancouver seemed to be the highest in the areas around the NEP building. This is sort of a chicken-egg thing: it’s hard to gauge cause and effect.

E. Public support for needle exchange seemed to exist, but only so long as the NEP was confined to Downtown Eastside. Expansion of the NEP (by vans) was opposed at a public meeting on the day of our departure. Interviewees we referred to the NEP’s efforts to maintain relations with the community, and their efforts to keep discarded needles away from schools, etc. Interviewees were a primary school teacher said that children at area schools are not allowed outside at recess for fear of needles. I was unable to verify this statement.

5. Conclusions:

A. There has been a trade-off between needle exchange and drug abuse. This is the single most important lesson learned in Vancouver. The trade-off was not explicit, and was probably not deliberate. It may have resulted from normal bureaucratic politics, or the shuffling of responsibilities among ministries. Nevertheless, it has evolved and is allowed to persist.

B. Absent any mandate for drug treatment, NEPs will focus on what they can afford and do best—exchange needles.
Let us not be arrogant and misguided. Let us oppose this amendment.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time and rise in strong support of this amendment.

Let me get this straight, if I just heard the previous speaker criticize the Congress for some standards against the provision of needles with which the people of the District of Columbia inject deadly substances into their veins based on the argument that the Congress would never tell the people of Kansas what it can or cannot do. I would remind the gentleman that there are all sorts of, thousands upon thousands upon thousands of Federal regulatory mandates that tell the people of Kansas precisely what they can and cannot do. For heaven's sake, it is this Congress a few years ago told the people of Kansas what size toilets they can build and what size toilets they can use and where they can build homes and where they can build roads.

Very frankly, Mr. Chairman, I would much rather see the Congress of this United States step in and save lives by telling people, no, we are not going to furnish you and make it easier for you to inject deadly mind-altering substances into your veins than it would be for the Congress to continue to tell people what they might do productively with their lives.

I would also remind our colleagues of a very basic principle. If you give people the means to do something and encourage them to do it, well, for heaven's sake, no surprise, they will do it.

Now, I know people on the other side, the gentlemen from Maryland, both of them, who will be speaking on this amendment, very passionately and very sincerely about helping people in their community. But I would simply say that we think on this side that there is a better way of addressing the problem of drug use in our communities, wherever those communities might be, in the Seventh District of Georgia or the Third District of Maryland or wherever, than to give people the means to continue to inject mind-altering, dangerous substances into their veins.

I think this is a very appropriate and limited exercise, the will of the people of this country, that at least in our Nation's capital, subject in large part to the jurisdiction as the Nation's capital to the will of the American people, that would speak through their representatives in the Congress that we tell the people of D.C., "We do want to help people, but we are not going to do it by furnishing you the means to inject mind-altering substances into your veins."

I rise in strong support of this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may to Mr. BARR.
place. In several of these I found mattresses where the prostitutes are ask-
ing for sex for drugs, and in one I even found a teddy bear where the pros-
titute had had their child. The child is playing around all of these needles.

I saw a needle on the sidewalk and said, “Duke, look at all the needles in this park.” Would you want your child around where they dump these needles? These addicts are not responsible people. They are going to take these extra needles, they are going to place them anywhere they want. We walked down the street. They are in the gutter. They are in the park. How would you like your child to walk along and stub one of those needles in their boot or in their sandal or in their foot? I think you would panic automatically on these things.

It is not a good thing, needle ex-
change, and it is actually a negative ef-
cfect.

Mr. MORAN of Virginia. Mr. Chair-
man, I yield myself such time as I may
consume. I would remind my friend from California that there are 19 such needle exchange programs in Cali-
ifornia, but also, most importantly, this is a needle exchange program. There are more extra needles as the gentleman referred to. You do not get a clean need-
dle unless you give up a dirty needle. That is what this is all about, trying to get rid of these dirty needles.

Mr. Chairman, I yield 1 minute to the gentle-
man from Virginia, MD (Mr. CUMMINGS) that has a particularly effec-
tive needle exchange program.

Mr. CUMMINGS. Mr. Chairman, I
stand in strong opposition to this amendment.

A lot has been said about the Balti-
more program, but the fact still re-
 mains that the Baltimore program lowers the rate of crime. In those areas where needle exchange takes place, it has lowered the crime rate. Second, it lowers the number of discarded drug vials and need-
elve found in the streets.

Mr. Chairman, I yield 1 minute to the gentle-
man from Baltimore, Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I
thank the gentleman for yielding this time to me.

The Johns Hopkins University just con-
cluded a study in which they found that neighborhoods in Baltimore with needle exchange programs had a drop in economically-motivated crimes even though those same categories of crime rose over the same 4-year period. That needle exchange program did not sig-
ificantly increase the willingness of teens to use drugs and the commu-
nities with needle exchange programs did not experience any increase in the number of discarded drug vials and need-
elves found in the streets.

Mr. MORAN of Virginia. Mr. Chair-
man, I yield 1 minute to the gentle-
woman from the Virgin Islands (Mrs. CHRIS-
TENSEN) who is a physician, a family practitioner, throughout her ca-

er.

Mrs. CHRISTENSEN. Mr. Chairman, I
rise in opposition to the amendment.

I have heard my colleagues on the other side of the aisle say that needle exchange programs take place in high crime areas, with high drug use, so of course the statistics show high drug use. But they have been proven over and over again, that drug use is reduced in those communities where needle exchange programs exist.

Mr. Chairman, I rise in support of the Tiahrt

amendment.

Our colleagues who support that amendment use the statistics and de-
liberately twist them to support a posi-
tion that flies in the face of over-
whelming scientific evidence and is
contrary to public health policy. The needle exchange programs take place
in high crime areas, with high drug use, so of course the statistics show high drug use. But they have been proven over and over again, that drug use is reduced in those communities where needle exchange programs exist.

Mr. CUMMINGS. Mr. Chairman, I
yield myself such time as I may consume.

Mr. Chairman, as the Johns Hopkins School of Public Health reported, 9 out of 10 needle-using addicts have a blood-
borne virus. They have had a program there for 5 years, and it has been very unsuccessful.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I give
myself such time as I may consume.

In the words of the drug czar, Barry
McCaffrey, we owe our children, and that includes the children of D.C., an unambiguous no-use message, end quote. We must offer users a way out,
Mr. Moran of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. Delahunt). Mr. Chairman, other speakers have indicated that the underlying bill already bars the use of Federal funds for needle exchange programs in the District of Columbia, but the gentleman is not satisfied with that restriction. He wants to prohibit the people of the District from using their own money for this purpose, money obtained through local taxation that is widely supported by citizens of the District, programs that have proven to be effective, according to the National Institutes for Health, the Centers for Disease Control and practically every respected public health agency in America, programs, by the way, that are saving millions of taxpayers' dollars in health care costs.

The overwhelming evidence is that they prevent HIV infection, that they do not encourage or increase drug abuse, that they actually help reduce drug abuse by encouraging injection drug users to enter treatment.

It is bad enough for legislators to overrule local decision makers in matters of this kind, but it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community to say in effect we have already made up our minds, do not confuse us with the facts. Let us save some lives and vote no on the amendment.

Mr. Chairman, I rise in opposition to the amendment by the gentleman from Kansas.

The bill before us already bars the use of Federal funds for needle exchange programs in the District of Columbia. But the gentleman is not satisfied with this restriction. He wants to prohibit the District using their own money for this purpose—money obtained through local taxation for programs that are widely supported by the local citizenry.

This is unfair to DC residents, who find themselves subject to the whims of representatives whom they did not elect.

But it is also a terrible precedent for the country as a whole. Because despite the squeamishness of some Members of Congress at the mere sight of a needle, the truth is that these programs work. They prevent HIV infection, encourage individuals to enter treatment. In fact, there is overwhelming evidence that they actually help reduce drug abuse by encouraging injection drug users to enter treatment.

As a former prosecutor and a member of the Judiciary Committee, I take very seriously the epidemic of drug addiction in our society. But we cannot make responsible public policy based on fear and ignorance.

It is bad enough for legislators to overrule local decision makers in matters of this kind. But it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community. To say, in effect, “our minds are made up. Don’t confuse us with facts.”

I have seen what needle exchange programs have accomplished in Massachusetts, Mr. Chairman, and I know that they have saved lives.

If this amendment becomes law, more people in Washington, DC will become infected with the AIDS virus. More people will die of it. And their blood will be on our hands, Mr. Chairman.

I urge my colleagues to vote “no” on the amendment.

Mr. Tiahrt. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind the gentleman from Massachusetts that there is currently a needle exchange program in the District of Columbia. It is funded by private dollars. Nothing within this amendment stops that.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. Tiahrt) that we are voting on.

Mr. ISTOOK. Mr. Chairman, what are the goals we have? To save lives, to reduce crime, to reduce illegal drug usage which leads to the great amount of crime that is associated with it.

It is a real problem which this bill does great things to correct, and I want to say that Mr. Members and the public are aware of what this bill does without resorting to needle exchange with public money. And the question has been properly asked, why should we not only the Federal funds, but local funds also be used for needle exchange programs if they are taxpayer dollars?

The amendment of the gentleman from Kansas (Mr. Tiahrt) that we are voting on offers the identical language to that which was approved last year by the Senate, the House, approved by the Senate, and signed into law by the President. I want to make sure that people know that we already have in this bill a new initiative, a huge assault against illegal drug usage which causes in the District.

The District funds the drug treatment programs right now that are overcrowded because more than anything else there are so many people who are convicted felons convicted of drug offenses that are in these programs that they crowd out the ability of other people to get in.

This bill creates with Federal dollars a $25 million fund for a program of universal drug testing for the 30,000 people in the District of Columbia that are on probation or parole, most of them related to drug offenses. Included within that program is some $16 million for drug treatment. That will free up the money that the District is currently spending for drug treatment on those persons so they can expand the drug treatment even further. This is going to be the largest program in the country to combat illegal drug usage. It is being funded from Federal tax dollars. It is a war on drugs.

We are funding in the bill with Federal taxpayer dollars the most aggressive war on drugs of any community in the country, and we are doing it because this is our Nation’s capital. But we do not want a mixed message. Is it too much to ask when we fund a war on drugs that the message is a war on drugs and not another crutch. In our Nation’s capital we should be sending a message that we want to be effective, according to the Lancet, the British medical journal, the Vancouver study has been often cited elsewhere. It makes no sense. We know that AIDS spreads through the sharing of needles by injection users. We also know that more than half, up to 75 percent, of all children with AIDS contracted HIV directly from their mothers who are intravenous drug users or the sexual partners of intravenous drug users. Scientific evidence has shown that these programs work. Scientific evidence also makes clear that needle exchange programs do not fail to lead to greater drug use.

In fact, do my colleagues not know that an individual that will sign up for a free, clean needle is taking their first positive step in many, many years, and that is often the beginning for their commitment to a healthier drug-free life?

I suggest, I beg my colleagues, do not vote for this amendment.

Mr. Tiahrt. Mr. Chairman, I yield myself such time as I may consume.

Had the gentlewoman read the study, she would have found out that they are not effective, that the studies have large gaps. It is not good science, and the reason that babies have AIDS is because they were under the care of their mothers who are injecting themselves with illegal drugs.

Mr. Chairman, I reserve the balance of my time.

Mr. Moran of Virginia. Mr. Chairman, I yield 20 seconds to the gentlewoman from the District of Columbia (Ms. Norton).

Ms. Norton. Mr. Chairman, the Vancouver study has been often cited here. Let me quote the authors of that study:

As the authors of the Canadian study, we must point out that these officials have misinterpreted our research. The study in the Lancet, the British medical journal, found that 20 cities worldwide where that program was in place, HIV infection dropped by an average of 5.8 percent a year among drug users. In 31 cities that had no needle exchange programs, drug-related infection rose by 5.9 percent a year.

Clearly these efforts can work.

Mr. Tiahrt. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. Coburn).

Mr. Coburn. Mr. Chairman, as my colleagues know, I continue to be amazed. I do not believe there is anybody on that side of the aisle that has
actually read the studies. I have read every study on drug use. I want to give my colleagues some statistics about Vancouver. We do not misinterpret them; we read the conclusions at the end of the studies. I actually have with me the 1993 study, and the Vancouver police chief cut it out and put it in the study, and he was not happy to quote that conclusion. But let me list for my colleagues some of the things that have been said about the Vancouver program.

The Vancouver Police Department stated there is a 24-hour drug market now in Vancouver. They have statistics for the distribution of the needle exchange program.

Number two, property crime of all sorts is highest of any other place in Vancouver where the needle exchange program is located.

Number three, the elementary teachers will not let their schoolchildren go outside in this area of Vancouver because there are needles strung out all over. They are fearful that these children will be infected with one of the needles.

Absent any mandate for drug treatment, needle exchange programs will focus on what they can afford and do best, exchange needles. All interviewees associated with Vancouver stated that needle exchange programs were not silver bullets, but in reality that is what we are trying to do.

The fact is there is a 33 percent increase in those using needles in the needle exchange program of Vancouver, compared to those drug addicts who are not in a program.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from New York (Mr. NADLER).

(Mr. NADLER asked and was given permission to revise and extend his remarks.)

Mr. NADLER. Mr. Chairman, the evidence is clear and convincing. Needle exchange programs save lives.

The government’s top scientists, the National Academy of Sciences, the National Commission on AIDS, the National Institutes of Health, and the General Accounting Office have all concluded that needle exchange programs are effective in preventing the spread of AIDS. The federal government’s top scientists, as well as the National Academy of Sciences, the National Commission on AIDS, the National Institutes of Health, and the General Accounting Office, have all concluded that needle exchange programs are effective in preventing the spread of AIDS and that they do not encourage drug use. And yet, with this evidence in hand—with scientific proof in hand—that needle exchange saves lives—some in this Congress would rather let people die and suffer than let science and medicine help those in need.

The numbers are shocking. Every day, 33 people become infected with the AIDS virus as a result of intravenous drug use. This includes not only drug users themselves, but also their partners and their children. The Surgeon General has stated that 40 percent of all new AIDS infections in the U.S. are either directly or indirectly the result of infection by contaminated needles; for women and children, that figure is 75 percent.

There is no gray area here. We know that needle exchange saves lives, and that it does not cause an increase in IV drug use. In fact, studies show that IV drug use actually declines as a result of needle exchange, because needle exchange programs encourage drug users to seek treatment.

If we have the ability and resources to help those who want and need assistance and save them from probable death, then why not help them? To remain indifferent to the lives lost is morally bankrupt. The stakes are far too high to let a few extremists stand in the way of a sensible policy that we know will save many lives.

Mr. Chairman, I do not believe that any member of this House could deny that the AIDS epidemic is a national and international problem that must be meaningfully addressed. Needle exchange programs are one of the very few programs that have demonstrated that they dramatically reduce the number of new AIDS infections and save lives. To ban federal funds for these programs in the District of Columbia will bring certain death to thousands.

Mr. Chairman, we do not support the use of intravenous drugs. But we also have to face reality. People do use drugs. If we can reduce the incidence of the use of dirty needles, contaminated with blood borne pathogens, then we can reduce the transmissions of AIDS. Scientific study after study has shown that needle exchange programs do reduce the number of new AIDS infections. I would like to reiterate that six federally funded reports, conducted independently by the National Commission on AIDS in 1991, the General Accounting Office in 1993, the University of California in 1993, the Centers for Disease Control and Prevention in 1993, and the National Academy of Sciences in 1995 confirm this fact.

And, finally, Mr. Chairman, we should not prevent the District of Columbia from exercising its judgment, and spending its money—not Federal money—to join the other 113 local governments in preventing the spread of AIDS through use of a needle exchange program. We do not all have an equal interest in the affairs of the District of Columbia. That statement is the nub of the problem. Washington is not the capital of the U.S. We have an interest in being a decent capital. But the people who live here have a much greater interest in local affairs than my constituents in N.Y. That’s elementary democracy. And they should decide local questions. The gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, what we are talking about here today is one program in the District of Columbia called Prevention Works. Yesterday, I met with their administrative staff and some of their board members, and today I went out and visited with them as their truck and van was on the streets of the District of Columbia, about 6 minutes’ drive from here.

What is the program we are talking about? It is a 1985 truck with unreliable air-conditioning staffed by two remarkable people, Alphonso and Vera, showing tough, but compassionate, care for a group of people that nobody in this place wants anything to do with.

As it turns out, my last hour visit this morning is the only time a Member of Congress has visited this truck and van and seen what they do, and that includes the proponents who are talking so knowledgeably about it today. They do, indeed, count their needles, and one can watch them do it if one would take the time to visit.

Second point. The issue is not what we care in our own personal conclusions or personal thinking, what conclusions we reach. The issue is, what standards should this body apply to justify prohibiting elected officials in the District of Columbia from not using their own local funds. That is the issue.

We should vote “no” on this amendment and let them decide what is best for their town.

Mr. TIAHRT. Mr. Chairman, I reserve the balance of my time.
Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for needle exchange programs.

The positive effects of needle exchange programs are well-documented across the country. Needle exchange programs have been established and are contributing to reductions in HIV transmission among drug users. But as important, these programs are beginning to have another positive impact. They are changing drug users to treatment for their drug abuse.

In my hometown of Madison, Wisconsin, outreach workers go out into the community and out to the streets and provide drug users with risk-reduction education and referrals to drug counseling, treatment, and other medical services. For many of these illegal drug users, the needle exchange programs represent an opportunity for an interaction with an outreach worker who is tough, yet who cares. Sometimes, not always, but sometimes, this interaction is all that is needed to bring a desperate person to the point of recognizing that they need help.

The CHAIRMAN. The Chair will advise that the gentleman from Virginia (Mr. MORAN) has 3 1/2 minutes remaining; the gentleman from Kansas (Mr. TIAHRT) has 4 minutes remaining.

The gentleman from Virginia (Mr. MORAN), a member of the committee, has the right to close.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIAHRT. Mr. Chairman, I am also a member of the committee. Would I not have the right to close? The CHAIRMAN. Both Members being members of the committee, the Member who is in opposition has the right that would be the gentleman from Virginia (Mr. MORAN).

Mr. TIAHRT. I thank Mr. Chairman. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from Virginia for yielding me this time.

Washington City Council's Consensus Budget, as incorporated in the appropriations budget, is sound. However, it has been incumbered by some very obnoxious amendments. I oppose these amendments to the bill, especially the Tiahrt amendment, which viciously prohibits the District of Columbia from operating a local private needle exchange program.

The residents of Washington, D.C., pay taxes. They have a right to spend the money the way they want it. They have a right to spend their money. We know now that the transmission of HIV from mother to child can be reduced and eliminated. Yes, I said eliminated, as demonstrated by San Francisco's needle exchange program and outreach program to pregnant women. Why would we want to place a death sentence on babies in Washington, D.C. when we know how to ensure their survival? For those who want to look at the data from needle exchange programs, such programs lead addicts to the first steps toward recovery.

We are not condoning IV drug use, just the opposite. We are saying that Baltimore, Washington, D.C. should be born free of HIV infection, and we want to provide a proven option to eliminate drug addiction.

Vote "no" on this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield three-quarters of 1 minute to the gentleman from Brooklyn, New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I do not think we will see a single conservative supporting this amendment. After all, I have not been here very long, but I have figured out what conservatives support. They support local initiatives, church-based initiatives, community-based organizations getting out and trying to solve community's problems and Washington staying out of their way. So there is no way anyone that calls themselves a conservative can possibly support the idea of Congress not only opposing the use of Federal funds, but even local funds, to try to solve a health problem that my colleagues on that side of the aisle have done precious little to solve.

What we are doing here is stepping all over a very conservative ideal which has let the District of Columbia manage its affairs the way it sees best. Mr. MORAN of Virginia. Mr. Chairman, may I inquire as to how much time remains.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 1 1/4 minutes remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield three-quarters of 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, our distinguished ranking member has pointed out the sad tale about the cases of AIDS in Washington, D.C. One-half of all AIDS cases in children are a result of injection drug use by a parent.

Mr. Chairman, I ask my colleagues if they would spend 10 cents to spare the suffering of a child with HIV AIDS. In San Francisco, the transmission rate was reduced to zero, as the gentlewoman from California (Ms. LEE) mentioned, the transmission rate from mother to child because of the needle exchange program and outreach to pregnant moms. In Baltimore, Dr. Beilenson has told us there are 1,000 people who are because of the needle exchange program, who are off drugs now. As far as the hepatitis C argument, it does not apply in this case.

Last year, Dr. Varum, Dr. Fauci, Dr. Satcher were among the scientists who signed a letter saying we have unanimously agreed that there is conclusive scientific evidence that needle exchange programs reduce transmission.

I urge my colleagues to have the courage to save a child's life. Vote "no" on the Tiahrt amendment.

One-half of all AIDS cases in children are the result of injection drug use by a parent.

Would you spend ten cents to spare a child the suffering of AIDS? In San Francisco we have succeeded to zero the rate from mother to child because of the needle exchange program and outreach to pregnant moms. That is our experience.

As for the science, last year, leading scientists issued a statement on needle exchange programs. The signers included Dr. Harold Varmus, Nobel Prize winner and director of the National Institutes of Health; Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Disease; and Dr. David Satcher, our Surgeon General. They wrote:

After reviewing all of the research, we have unanimously agreed that there is conclusive scientific evidence that needle exchange programs, as part of a comprehensive health intervention strategy, can reduce transmission of HIV and does not encourage the use of illegal drugs.

The Tiahrt amendment tramples on the ability of D.C. residents to govern themselves. A vote against this amendment is not a vote for needle exchange.

Have the courage to save a child's life—vote "no" on Tiahrt.

Mr. TIAHRT. Mr. Chairman, I yield myself 1 1/2 minutes.

Mr. Chairman, I just want to remind the body that what my amendment does is retain current law. It is law that was supported by the Drug Czar, General Barry McCaffrey; it was passed by this body, the House; it was passed by the Senate; it was signed into law by the President of the United States.

We have heard that we are trying to influence what the taxpayers want here in the District of Columbia. Mr. Chairman, I am a taxpayer in the District of Columbia. All of us are taxpayers in the District of Columbia. I care about these people. I care about what is going on.

There is a great deal of desperation for solutions here, and people are reaching far to say these days are successful, but they have not read the studies. It is not a successful program.

The real reason that I am trying to stop this ineffective program, at least from public funds, is because it enables people to carry on a destructive behavior. I believe the people are addicts, not criminals, and people are addicts. They said the worst thing that they had during their time of trying to recover was someone to enable them to continue their destructive behavior. That is what we are doing for these people. It is as if we are driving nails in their coffin; we are enabling them.

We are doing a lot to combat illegal drugs in this bill. Mr. Chairman, $25 million is set aside to combat illegal drugs, and yet we are enabling the people of the city to take illegal drugs and inject them into their veins. I think it is wrong; I think it is destructive. It does currently go on, it is...
Mr. Chairman, it is not just we who are opposed to this amendment who are saying that the needle exchange program does not increase the level of drug addiction, nor increase the amount of AIDS. We are listening to the experts. The American Medical Association says this program is effective. The American Academy of Pediatrists, the American Nurses Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials and the National Forum of State and Territorial Outpatient HIV/AIDS Centers have all issued statements in support of needle exchange programs. Every single professional organization tells us this program works.

We do not feel particularly comfortable with this program because we do not want to encourage drug addiction, but when we are dealing with one city that has the worst level of drug addiction and AIDS in the country, they should be able to make their own decision on what works. There are 113 cities that have been able to make that decision, major cities. They are using this program.

All we are saying in this amendment is do not use Federal funds. It passed in a bipartisan vote in the committee. We urge this body to support the Committee on Appropriations. Vote down this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to oppose the amendment offered by Representative Tiahrt that prohibits federal and local funds from being spent on needle exchange programs in the District of Columbia. I object to this intrusion into the funding priorities of the District. I also oppose this amendment because needle exchange has been shown to be an effective method of HIV prevention.

Needle exchange is supported by medical and health related organizations. Last year, the National Institute of Health issued a determination that needle exchange programs reduce HIV transmission and such program do not encourage the use of illegal drugs.

Thus, the health impact of this amendment would be devastating in this city. As with most major U.S. cities, D.C. faces an AIDS epidemic that must be fought on all levels. D.C. has the highest rate of new HIV infections in the country. AIDS is the third largest cause of death in this city. We must not handicap this city's ability to stem the tide of AIDS transmission.

I also believe that the residents of this city deserve to use the mechanism of democracy and its elected officials should be able to make decisions that benefit the citizens. The local government in D.C. has chosen to use its own funds to address this need.

Congress has been in the local affairs of the District government. D.C. has chosen to implement this program to prevent the spread of AIDS. This nationally recognized program has been successful in bringing addicts into treatment. D.C. is the only jurisdiction that has a federal bar on the use of local funds.

The District of Columbia no longer receives the federal payment, thus all of these funds are from local taxpayers. I oppose this intrusion into local affairs and I believe that this amendment will severely hurt the residents of D.C. I urge my colleagues to oppose this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in strong opposition to the Tiahrt amendment to H.R. 2587. As a Member of Congress from the nation's capital, I feel an even greater responsibility to protect our city from the rapidly spreading AIDS epidemic. I cannot support this bill. I cannot support legislation that not only prohibits the use of federal funds, but also prohibits the use of local or other funds. What are we saying to the citizens of the District of Columbia when their elected representative does not support this bill?

HIV and AIDS continue to plague this Nation. Yes, we have seen some much-needed improvements in the extension of lives through better treatment and we have seen the number of deaths resulting from AIDS fall for the first time. But we have not and will not see the rate of HIV transmission fall if we continue to let politics rule the legislative process.

The needle exchange programs that have been implemented in inner-cities throughout the country are playing a crucial role in reducing HIV transmission, assisting HIV positive drug users in obtaining necessary medical care and drug treatment, and providing essential information and AIDS. This is critical for the hundreds of thousands of adults who do not know that their partners are using drugs, and for the innocent children who are born with this fatal disease.

Public health officials do not support this amendment and I encourage my colleagues to join me in voting against this amendment, which is full of politics and void of reason.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. Tiahrt).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote, and I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 260, further proceedings on the amendment offered by the gentleman from Kansas (Mr. Tiahrt) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. Norton: Page 54, strike lines 19 through 25 (and re-designate the succeeding provisions accordingly).

Ms. NORTON. Mr. Chairman, first I want to thank the gentlewoman from Michigan (Ms. Kilpatrick), the cosponsor of this amendment, for offering it in the Committee on Appropriations.

This amendment simply strikes gratuitous and now moot language carried over from last year in the bill that forbids the District to use its own funds

privately funded, and I think that this does nothing to stop that. If people want to waste their money on an ineffective program, so be it, just not with public funds.

Mr. Chairman, I yield the remaining time to the gentleman from Oklahoma (Mr. Coburn).

Mr. COBURN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Kansas (Mr. Tiahrt) has 2½ minutes remaining.

Mr. COBURN. Mr. Chairman, I want to say first of all that I have admiration for those who support this program be it, so that they are really saying is that they care about those people who are addicted. However, I also would say, we care too.

The debate divides on how best to solve the problem, and the issue is, are we best solving the problem by reducing risk, or do we best solve the problem by avoiding risk?

I want to give my colleagues a contrary point of view, so that I think the people are going to get infected with an STD, 45 percent of those will never get rid of that infection. Our message to our children has been, you can practice risky behavior as long as you use safe methods to prevent the infection, we are going to reduce the risk. And as our message of risk reduction has come about, we have the largest incidence of sexually transmitted disease of any society, and the largest growth of incurable diseases. It is not going comparing to what is going to happen in this country in terms of chlamydia, human papilloma virus, and the cancer that is going to be associated with it.

So the debate really decides, how do we care the most? The compassion exhibited by wanting to eliminate the transmission is a wonderful, compelling argument. But it is not enough compassion. We have to have enough compassion to eliminate the problem and not enable people to fail, as we are enabling our children to fail, by our message of safe sex with a condom that does not protect 50 percent of the sexually transmitted disease in this country today.

So the heart is right; the message is wrong. If we really want to help these people, then we will redouble our efforts to drug treatment centers, not enable them to continue to fail.

The final thing is, what happens to somebody when they get hepatitis C in this country? And that is the growing epidemic in this country, not HIV. It is hepatitis C. That person does one of two things: they either die or they get a liver transplant.

So if we want to enable this epidemic to continue to flourish, then we need to give all of the drug addicts in this country needles, because they are sharing the needles anyway, and that is what the studies show. We are not lessening their long-term health sequences; we are, in fact, enabling them to do worse.
on a lawsuit testing whether American citizens who live in the District are entitled to voting rights in the Congress. Members are looking at the only Member of this body who represents paying American citizens who are denied full representation in Congress. The language in this bill adds to the basic denial of D.C. voting rights, the denial of the right to seek redress in the courts.

Does this Congress really want to pile on the sensitive issue of full democratic representation by seeking to keep the District from testing that denial in court? This provision in the bill is unworthy of this House, unless we want to cross over and join the authoritarian regimes of the world.

In the darkest days of southern segregation, no State sought to legislate black people out of court suits. That is exactly what this amendment does to D.C. residents, however. It is a self-serving attempt to maintain the status quo denial of rights, even if it means standing to bar the courthouse door.

It should be enough to defeat this amendment that the denial of court redress is patently un-American. It is also futile and mooting. The lawsuit for D.C. voting rights was actually argued before a three-judge panel in the District court is being carried pro bono by a major law firm.

The District's involvement is always minimal. The city's Corporation Counsel participated in the oral argument with permission of the court to participate pro bono. The corporation counsel has resigned. His only involvement now would be as a private citizen with no D.C. funds.

Please do not allow history to add to the litany of denials of democracy for the people of the District. Wherever they may stand on their constitutional jurisdiction over the District, this is a different case. Members surely do not want to be counted against peaceful redress of constitutional rights through the courts. No Federal funds are involved. Even District expenditures are not now being used to support this suit.

Please remove these proceedings once and for all from our appropriation bill.

Ms. KILPATRICK. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I want to support and am proud to be a cosponsor of this amendment that we offered in the Appropriations Committee. We had a vote in the House of Representatives, and the amendment was defeated in committee.

I agree with the delegate, the gentlewoman from Washington, D.C. (Ms. NORTON) that it is unconstitutional, it is unfair, and it is undemocratic. This entire D.C. appropriations bill is $463 million. The D.C. residents in 1965 sent over $4 billion to this Federal government. In 1997 the same, over $4 billion to this Federal government. The bill today is only $463 million.

Members have heard debate over the last hour on the needle exchange program. We are not going to get into that, but the citizens do have a right, as every citizen of the country has, to spend its local money on those things that they deem necessary for their people.

This amendment that the gentlewoman from the District of Columbia (Ms. NORTON) would make states that the residents of the District of Columbia can spend their local dollars to go to court to challenge the notion that they cannot vote in this Congress, that they do not have a voting representative in this Congress.

The District of Columbia has more population than three of America's States. All of those States have representatives in this Congress who vote. They all have two Senators in the U.S. who vote. Why, then, do we deprive over 500,000 people who have chosen Washington, D.C. as their place of residence the right to have a vote in this Congress, the right to have two Senators, as all other States have, and the right to use their local government funds that they deem necessary for those programs that they deem necessary?

The Congressional Research Service goes just a little bit further. They say that the people of the District, which is denied the right to vote, should have a representative in Congress. District residents carry some of the same burdens of citizenship that all American citizens pay and do. They pay taxes, they serve in our wars, they die in our wars.

Still, this Congress will not allow them to use their own local funds to challenge in court, and I might add, as the delegate has mentioned, on a pro bono basis, as some have already said, yes, we support D.C., we want to go to court to fight for the right to vote. Why, then, does this Congress not allow the D.C. residents, with the backing of its mayor and its council and its delegate, permission to use their local funds that they also pay, in addition to their Federal funds, allow them the right to go to court and use those funds to defend their right for a vote in this Congress, or, if Congress does not act, to have a representative in Congress?

Mr. Chairman, this is not right, it is not fair and it is not Democratic. As was mentioned earlier, over 500,000 people call D.C. their home. They pay Federal taxes, over $4 billion to this Federal Government. The bill before us is $463 million. Additionally, they pay local taxes. What are we saying in our amendment, allow D.C. to use their local money to go to court should they want to, to defend their right to vote. This is a glorious country, the best country in the world. The citizens of D.C., American citizens, over 500,000 of them, deserve the right to use their local funds as they see fit.

Mr. Chairman, I urge Members to adopt this amendment.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to this amendment. I very much appreciate the arguments that we have heard from the gentlewomen regarding their support of this particular amendment.

I feel obligated to point out that what they seek to strike from the bill is language that last year was approved by the House of Representatives, approved by the U.S. Senate, and signed into law by the President of the United States. Specifically, it says that public funds shall not be expended for an initiative or a civil lawsuit to promote a vote in Congress for the District of Columbia.

I well understand the desire of the proponents of this amendment and many other people to have that vote in the Congress, and I am sure that they understand also the special status which the Constitution of the United States gave to the District.

The question is not whether they have the right to pursue their lawsuit. It is being pursued. It is being pursued without taxpayers' money being used to sue the Federal Government over whether taxpayers' money should be used to finance the lawsuit. They have pointed out before that legal representation was provided pro bono, which is to say, as a public service, and without charge, to finance their side of the legal action.

It is not necessary to expend public money either to go back and pay people for work already done as a gift for free, nor is it necessary to expend the public money to enable people to have their day in court. They are suing the Federal Government, challenging the Constitution of the United States. They have their right to do so. The issue here is whether taxpayers' money should be used to finance the lawsuit.

If Members believe taxpayers' money should be used to finance the suit, then of course they should vote for the amendment that the gentlewoman from the District of Columbia has offered. If Members do not believe taxpayers' money should be used to finance the suit, Members should vote against the amendment, which is a vote in favor of the same position that the Congress passed and the President signed into law last year.

We had a vote in committee. The amendment was defeated in committee. We had a vote in the House of Representatives last year, and this same motion was defeated last year on a rollcall vote of 243 to 181.

It is not a new issue. We have not injected it as a new issue in the bill this year. This is a continuation of the longstanding debate on public funds to finance such a lawsuit or an initiative petition.

There is no need to spend taxpayers' money for people to have their day in court. They have their day in court and they are entitled to it.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today as a former local elected official in support of this amendment. I hope at this moment the President-at-large is watching what is happening on the floor of the U.S. House of Representatives, because they are seeing a debate
about the future of America, of where the attitude is in Congress of how we are going to control Federal funds.

The only Federal funds that we can specifically control are those Federal funds that go to support the city of the District of Columbia. A citizen of the District of Columbia is an elected mayor and an elected city council; a city that, like every other city in the United States, sits down in open, public discussion and debates how they can be a better city.

If we are watching the actions on the floor today, we will see that even though they have gone through that process at the local level, the heavy-handed Congress here on the floor of the United States has adopted amendments which are mean, which take away the city's ability to provide safety measures for their inhabitants with needle exchanges, to take away adoptions, to take away legal medical marijuana, even though the States that many Members represent have already passed such measures at the State level and local level. They are taking away the ability of a city to file a lawsuit. These are amendments that are trying to be heavyhanded. They are not about giving local control, which everybody up here talks about, to get the Federal Government off peoples' backs, allow what they can be allowed. These amendments ought to be defeated. This amendment ought to be adopted because it deletes one of those mean provisions. I ask my colleagues to vote no on the amendments except for those of the gentlewoman by the District of Columbia (Ms. NORTON) who was elected by the citizens of Washington, D.C. to be here on the floor of the House of Representatives.

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this particular amendment. Let me just say a few words as why. We have been piling on the city with some very difficult issues that I feel deeply about; as well, needle exchange programs, which I oppose. I do not believe that we ought to be giving free needles to people who are committing illegal acts.

The couples' adoptions, the limitation on the medicinal use of marijuana, this is something that in other jurisdictions, in Arizona and in Colorado and other States that have had referendums, there's been a discussion. They want to do that. In the District of Columbia we did not even let them count the votes.

However people feel about those issues, and I am conflicted on these. Along with a lot of my other colleagues, what we are talking about here is the right of the citizens of the District of Columbia to have a vote on the House floor and to pursue a final judicial decree that will set their rights, which have been questioned in the courts.

We ask ourselves, if we cannot use city money, who is going to do this? This is city money, it is not Federal dollars. If this were a prohibition on Federal dollars going to the city, I can understand Congress might have a reason that they would want to support this, but these are city dollars. If Members of Congress could run for the City Council in the District and probably take a different point view, but I doubt they would be elected successfully.

What we have to remember is that the relationship between the city of Washington, D.C. and the Federal Government is unique. It is described in the Constitution. It goes back to the late 1700s, when we wanted to have a Federal enclave that would not be at the mercy of any State government. It happened when some militia who had been unpaid from the Revolutionary War fell upon the Pennsylvania militia, who were in sympathy with them, and let them chase the Continental Congress across the river from Philadelphia into New Jersey.

At that point, the continental Congress went ahead and said we have to have our own Federal enclave. We cannot trust any State to look after the Federal side of things and not take sides and disputes between States. As a result of this, the District of Columbia was born.

Now, a lot has changed in 200 years. The city still does not have a vote on this floor, although their residents pay taxes. They can be drafted. They have served in the military. They do the things everybody in all of our States do.

It has been likened that the District of Columbia is like a city, and we are the State. But my colleagues have to remember cities across this country have representatives in State legislatures in the State Capitals and have a vote. The District of Columbia does not.

All this amendment does is it says, because there have been some questions raised about the constitutionality of whether the city should have a vote on the floor, that they could pursue that judicial remedy in the court system with their own money collected by their own citizens through their duly-elected leaders.

With all of the other things piled on, I think the least we can do since we do not give them the floor is to allow them to use their own money and pursue their judicial remedies the way any jurisdiction in the country can do.

For heaven's sakes, if we want democracy we do not like this. We could run for Congress. We could run for the City Council in the District of Columbia, to have to nurture it, we have to allow them to make the tough decisions because they know they are going to get overridden here, and democracy will fail.

For almost 100 years, the city had no elections, and we had, over the last few years, actually some problems, and we set up a control board over that. But now we have a new mayor, a new council. They are working forward. Let us let them make their own decisions. Let us not second them on everything they do.

So I support the amendment of the gentlewoman from the District of Columbia, and I hope my colleagues will join me in voting yes.
I tell my colleagues, Oklahoma City goes to court using taxpayers' funds to redress grievances against the Federal Government. I tell my colleagues that happens in Tulsa as well. It happens in Baltimore. It happens in San Francisco and L.A. and Chicago. Large and small cities, counties, and States bring suits against the Federal Government for the redress of grievances.

Is that not a fundamental American right? How can we say in this bill, corporately, the District of Columbia, through its government, not with our funds, not with Federal dollars, with their own funds, cannot redress the grievance and say our representative on the floor of the House of Representatives ought to have a vote. That is our constitutional right.

Is it our position that we will say, no, we disagree with that objective; and, therefore, they cannot go to court? The gentleman from Maryland (Mr. HOYER) (Ms. ISTook) says, oh, well, we are not doing that. Shoot, they can get pro bono expenses. They can get people to donate it, or they can get private donations. They can. The gentleman is correct. So can every other State, county, and municipality in America.

Would any of my colleagues support legislation which says that Tulsa or Oklahoma City or Baltimore or Upper Marlboro could not bring suit for the redress of grievances and saying that something is either against the Constitution or against the Federal statute or against the regulation? I cannot believe my colleagues would do that. This is so fundamental to what we believe about our country.

I want to tell my colleagues, I was chairman of the Helsinki Commission until 1995, and I traveled to Sophia in Bulgaria. Bulgaria would not tell Sophians the capital of Bulgaria, they cannot bring suit. They would under the Communist government, because one could not bring suit at all. That made us really different.

Bulgaria is very close to Romania the same thing, Warsaw in Poland, Prague in Czechoslovakia.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, this ought not to be a partisan issue. This is an issue of Cold War over. We did not fight it, luckily, for the most part, with bullets. We fought it with a commitment to our ideals of freedom and individual liberty. Not collective liberty, individual. No citizen, no matter how wrong they might be, is precluded from coming to the courts and saying, everybody may disagree with me, but I think I am right.

Mr. Chairman, I hope that, on this issue, my colleagues summon up the wisdom and courage to say we ought not to do this because it is inconsistent with what we believe about our country, what has made our country different.

Do not tell the residents of the District of Columbia that they have a grievance, but only if they get the larceny of some private donor will they be able to seek constitutional relief. Do not do that to them, not because they need Constitution, but are the Constitution as a State or a District that we have authority over, but because there are 500,000 Americans, just as I am an American, just as my colleagues are Americans, 260 million of us, not D.C. Americans, Maryland Americans, Texas Americans, but 260 million Americans, protected by the best document man ever forged, the Constitution of the United States, that holds these truths to be self-evident, that all men and women are created equal, each one of us, endowed, not by the D.C. subcommittee, not by the House of Representatives, endowed by God with certain inalienable rights. Among these are life, liberty, and the pursuit of happiness. That is what they seek. Do not prevent them.

Admit mistake in this area. Support this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, it is a very hurtful experience each year when the D.C. bill comes to the floor and there is something in the bill that, in my opinion, in some way wants to turn back the hands of time and to turn back justice and fairness to the people of this District.

The language in H.R. 2857 should be amended by the courageous gentlewoman from the District of Columbia (Ms. NORTON). She has fought a very hard fight. Each of us should understand this fight, because we seek justice and we seek freedom. It should be amended.

The language in the bill is targeted, and I say targeted because it has some very dangerous inferences. It is gloomy. It is dark. To me, it appears to point at one group of people, and that group of people live in the District of Columbia.

Who are those people? Most of the people in the District of Columbia are black like me. Most of them in there are people who have, for years, their rights have been taken away. I have sat here for 8 years and heard constantly, constantly that we beat away to try to take away their rights.

Now, whose fault is it? It is Congress' fault if we allow any diminution of the rights of the people who live in Washington, D.C. If they lived in Podunk, Idaho, I would be here saying the same thing. Regardless of their color or their creed, I would be here. But I am here to say that this particular bill has dangers that I am not willing that.

First of all, the language in the bill is not only undemocratic, but it is moot, because what the language assumes did not happen. The language says, none of the funds may be used by the D.C. Corporate Counsel, and it goes on and on, to provide for civic action which seeks to require Congress to provide for voting representation in Congress for D.C.

The amendment repeals language in the bill. The Norton amendment repeals that language, and it should be. Because it will forbid the District from using its own funds.

Mr. Chairman, D.C. did not hire anyone that was not eligible to use this. It was done on a pro bono basis by a downtown law firm. So I think my colleagues are saying that the city's corporate counsel, who was a chief lawyer, did carry some of the argument before the three-judge panel. That may be true. But his involvement in the case was pro bono, no D.C. funding at all. He received permission from the courts to participate in this manner. Even though the language we seek to repeal in the bill this year was also included in the bill last year, I repeat, no city dollars were spent.

The man who argued the case as corporate counsel, Judge John Farren, has gone back to being a judge and would most likely handle the portion of the appeal to the Supreme Court along with the pro bono downtown law firm.

The language in the bill is, therefore, undemocratic. It is moot. It takes away representation. My colleagues would not want it to happen to them. I appeal to my colleagues, think of the fact. The residents of the District of Columbia are living, breathing people who have the same kind of finesse that my colleagues have.

They do not sit here in this Congress. They are not even represented. They do not even have a vote. But they have a very strong Representative who is here to say to us this is wrong. D.C. residents pay taxes just like my colleagues and I do. They are the only American citizens who are denied full representation in Congress. We do not want this.

This Congress has been democratic in its viewpoints on both sides of the ledger, on both sides. I appeal to the Republicans to kill this part of the bill. I appeal to my colleagues to vote for the Norton amendment, because it keeps and gives representation for people who live in the District of Columbia.

Let us not cast a shadow on the democracy which we fought so hard to maintain. Do not let this little paragraph in the bill keep us from being the upright democracy in fighting for justice as we could.
The amendment is going to create a lot of controversy. I know that. We have been down this road before. We have debated this amendment before, and the House approved this amendment last year. We will have some of the same controversy and some of the same passion. This amendment actually does, and I would like to address some of these things in my opening statement, Mr. Chairman.

What does it do, exactly? It prevents the District from granting joint adoption to individuals that are not related by blood or marriage. Very simply, adoptions should be about the best interest of the child. Adoptions should not be about awarding children in some sort of culture war.

Why are we here? Because a District of Columbia appeals court made a ruling that granted adoption to two men that were unrelated by blood or marriage, the adoption of a young girl. In that decision the judge said, "It is unclear whether Congress' intent is regarding joint adoptions to unrelated people." Thus, we are here today, Mr. Chairman, to give the courts our clear intent.

Here is the issue: what is in the best interest of the child? To throw them into an ambiguous, confused amorphous legal situation that does not establish clear lines of authority or responsibility, in my opinion, is not in the best interest of a child, and that is why we are debating this amendment today.

Mr. Chairman, we have kids who have had a rough start at the beginning of their life already. How can it be in their best interest to place them in a confused legal setting, one in which the only legal affiliation between these individuals is the address that they possibly share? For instance, Mr. Jones and Ms. Smith adopt together and are given joint custody. Well, is the child a Jones or is the child a Smith or is it Smith and Jones? What reason does the child have to feel secure about their future when the couples who adopt them have not even expressed a commitment to one another by having any sort of legally recognized relationship?

What happens if Mr. Jones or Ms. Smith part? How do the courts determine custody in such a case? Nobody knows. There is no legal precedent. What happens if more than two people unrelated seek joint custody? Why not three or four people unrelated by blood or marriage seeking joint custody of a kid? Nobody knows what happens if we go down this road. Is this really in the best interest of the child? Absolutely not.

Finally, and most importantly, Mr. Chairman, I want to say that many will distort this amendment as gay bashing, or others will say this is going to limit the ability of adoptions to go forward, to go forward, rather from the truth. Nothing in this amendment precludes any, any, individual or family related by blood or marriage from seeking adoption. Any individual, regardless of their sexual preference, can still seek legal adoption and then be related through that adoption with the child.

What this amendment will do, Mr. Chairman, is assure that these kids, who desperately need love and, most importantly, security that they will get it by ensuring that they are placed in legally recognized families.

Mr. Chairman, I reserve the balance of my time.

Mr. ORMAN of Virginia. Mr. Chairman, I rise in opposition to the amendment, and to claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia (Mr. Moran) is recognized for 15 minutes.

Mr. ORMAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Oklahoma (Mr. Largent) is quite right that an appeals court decided that two men could adopt a child in the District of Columbia, a little baby girl. I suspect that one of the reasons was that there are over 3,000 foster care children awaiting adoption, more than 3,000, in the District of Columbia. They do not have loving parents.

Another reason why the court saw fit to allow this is that they had ruled on the parenting ability of these two people. And, in fact, every day domestic law judges, with the advice of social workers and other professionals, make determinations on the parental suitability of people wishing to adopt children who have no parents. That is the way it is throughout the country.

This amendment is not law today, but if the gentleman from Oklahoma (Mr. Largent) prevails, the District of Columbia will stand alone in not allowing the court system, with the advice of professionals, to make that determination. The District of Columbia will stand alone in having that determination made by politicians in this body who have no knowledge of the suitability of those parents and no direct knowledge of the needs of those children.

If we adopt this amendment, we are saying we would rather these children be left as orphans, without parents, than allow two people, who the court decides are suitable parents, to adopt those children. That is what this amendment means. It means the House does not want to make that determination, we want professionals to make that determination. We want the domestic law judges, who are today making that determination, to be able to continue to and not be precluded by this Congress.

Mr. Chairman, in surveys that have been conducted, American citizens, by a 4-to-1 margin, say that they would prefer the court system to conduct its business without political interference. So we are not carrying out the public interest, we are not carrying out the interest of our own constituents, we are not even doing what they do in our
own jurisdictions today if we pass this amendment.

Mr. Chairman, there are going to be any number of very substantive arguments raised against this amendment. I want to enable my colleagues to make those arguments, but I would very strongly urge defeat of this amendment in deference to the professionals in the court system who are able to make these decisions in every other part of the country.

Mr. Chairman, I reserve the balance of my time.

Mr. LARGENT. Mr. Chairman, I yield myself 15 seconds to remind the body that there has never, in the history of this country, been a legislative body at any level that has approved joint adoption to people that are unrelated by blood or marriage.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. Shows).

Mr. CHOWS. Mr. Chairman, I rise in support of the Largent amendment.

Adoption is the utmost expression of family values, for it allows people the opportunity to extend their homes and their hearts to people in need. But adoption is not a self-choice. Adoption is for the child's benefit. And if we are to make adoption a meaningful life opportunity for children, they must be given the stability any child needs to grow and thrive.

People who are not married but sharing a house always remain as free to adopt as ever. But the legal relationship created by the adoption should be one between the child and the single adoptive parent, rather than between a child and multiple parents who have no legal relationships amongst each other.

If we really love our children, let us be fair to them. We have grown up in a stable environment. The Largent amendment is about taking family relationships and raising children seriously. We are reasonable.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, it is a sad fact that not all parents are fit parents, and I know firsthand that child abuse and neglect occurs in all kinds of families. But let us be clear: usually it is among the so-called traditional families. But the nursery school teacher, the fellow who is concerned first and foremost with the well-being of abandoned and neglected children.

Mr. Chairman, it is a sad fact that not all parents are fit parents. Child abuse and neglect occurs in all kinds of families. Among the "birth families" no less than adoptive families. Among so-called "traditional two-parent families" no less than families of less conventional description.

But good parents and families come in all shapes and sizes. Some of the most loving, nurturing and supportive families I know would fail Mr. Largent's litmus test. And that would be a tremendous loss for the 3,300 children languishing in the D.C. foster-care system—many of them neglected or abused by their biological parents, many of them children with special needs.

With so many kids out there who need decent homes, this is not the time for Congress to start setting criteria for those who would be permitted to adopt.

The only test we should apply is the one the law already uses to determine whether a child belongs in a particular family and that is in the best interest of the child; and that should be left to the courts and the professionals, as the ranking Member indicated.

This amendment would introduce cruel consequences, unintended I am sure, but cruel nonetheless, cruel because it will deny some child a family and opportunities that most of us in this body were fortunate to have and, because by the luck of the draw, we were born to parents who loved us. Defeat this amendment and give some kid a family.

Mr. Chairman, I rise in opposition to the amendment by the gentleman from Oklahoma. Some who oppose this amendment will emphasize its unwarranted intrusion into family matters best left to the people of the District of Columbia.

I share that concern, Mr. Chairman. But today I wish to speak as an adoptive parent, who is concerned first and foremost with the well-being of abandoned and neglected children.

Mr. Chairman, it is a sad fact that not all parents are fit parents. Child abuse and neglect occurs in all kinds of families. Among the "birth families" no less than adoptive families. Among so-called "traditional two-parent families" no less than families of less conventional description.

But good parents and families come in all shapes and sizes. Some of the most loving, nurturing and supportive families I know would fail Mr. Largent's litmus test. And that would be a tremendous loss for the 3,300 children languishing in the D.C. foster-care system—many of them neglected or abused by their biological parents, many of them children with special needs.

With so many kids out there who need decent homes, this is not the time for Congress to start setting criteria for who will be permitted to adopt.

The analysis was done by psychologists. This is what he said, among other points. He said, "The children raised in adoptive homes who have experienced more emotional problems, suffer more from unstable home lives, and struggle more with their own sexual identities later in life." He goes on to say, "Children need and deserve the best environment possible in which to learn and grow. The traditional mom-and-dad family provides this, while homosexual relationships do not." Now, this is a clinical psychologist who has said this. And that is what this amendment does. So I ask my colleagues to defeat the amendment.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wish to remind the body once again that there is nothing in this amendment that precludes any legally recognized family from adopting.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in support of the amendment offered by my colleague from Oklahoma (Mr. Largent).

I feel pretty strong about this. I think Members on both sides of the aisle should realize that in my home State of Florida there is a case pending challenging the State of Florida because it has a similar ban as the gentleman from Oklahoma (Mr. Largent) has in this amendment on such adoptions.

So in my State it is the law. The Largent amendment would make it a part of the D.C. appropriations. This particular lawsuit was developed in a full-fledged war over cultural values. And that is what we are talking about, make no mistake about it. On one side, we have the ACLU that has filed a class-action suit last month challenging the State's ban on such adoptions.

Two years ago, a lawsuit by them. Two years ago, a lawsuit by them similar in nature was filed in which the couple won. However, our State's Supreme Court overturned it. So now the ACLU is filing again.

I would like to read from the article in the newspaper about the justification for the Supreme Court when they actually decided to rule in favor of the existing law in the State of Florida and which supports the Largent amendment.

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to have this appropriations allow a back-door approach to push for the legalization of same-sex marriages by allowing them to adopt children?

So I support my colleague from Oklahoma in what he is trying to do. It simply prohibits funds from being used to allow joint adoption by persons who are unrelated by either blood or marriage. That is pretty simple. I do not think there is anything in the motion to object to.

To my way of thinking, a family is not made up of unrelated individuals that just happen to be in the household who happen to be living together and then suddenly want to adopt a child. Neither the Congress nor the residents of any of the States have authorized joint adoption by unrelated individuals.

So I think his amendment is very simple. I think it should be supported by my colleagues. I hope it will pass.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON) who is probably the only genuine expert we have on this issue. She was the State Director of Child Welfare for the State of New Mexico and knows this issue in her mind and in her heart.

Mrs. WILSON. Mr. Chairman, 99 times out of 100 my colleague from Oklahoma is right. The best thing for a child is to be in a family where the mother and the father are married to each other.

The kids that I worry about, though, are not the healthy infants. They are the foster kids that nobody else wants. They are emotionally disturbed. They are physically disabled. They are medically fragile. They are terminally ill. It is those kids who have very few options.

We have a chronic shortage of foster parents in this country and in this city. It should not be a surprise that kids are often placed in less than "Leave it to Beaver" families. Sometimes they are single. Sometimes they are not living together and who is used to once done, over time relationships form. And sometimes those kids want desperately to be adopted by the parents whom they have come to call mom and dad.

It is irrational. It does not fit all circumstances. The gentleman from Oklahoma is right. It may be irrational. Because it is about love. It is not about law.

This should not be done by prohibiting the expenditure of funds in the District of Columbia budget. If we want to give guidelines to judges, let us do it the right way, in substantive law, and allow for these cases where a child desperately wants to be adopted by the people whom he has come to identify as his parents.

At different times in our lives, Mr. Chairman, we see different things in different stories. All of us remember Peter Pan, remember the lost boys who never found their parents. Peter Pan, remember the lost boys who probably wants to be adopted by the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I would like to recognize that was a very moving statement. Had it been based on the facts that these kids could not be adopted, it would be relevant. But the fact is that this amendment would not prohibit one of the children that was just described by the gentlewoman from New Mexico (Mrs. WILSON) from being adopted. And to say that is being less than straightforward.

This amendment says that even though two people might be living together who are unmarried, one of them can adopt. So it does not preclude the adoption of any group in any way from or from anyone from anytime adopting. It is just saying, if you are not under the legal definition of marriage, only one of them can have that child as their child.

So one of the things we do real often is confuse the issue. What does this amendment really say? It does not say that adoption is. It is not a word about who a child is.

It does not say that anybody cannot adopt a child. What it says is, if a child is adopted in a relationship that is not recognized by law, that it can be only adopted by one of those members, not both, so they are confused, so that the courts are not confused about what the legal representation of that adoption is.

So let us be sure we are straight about what this amendment does. It is a great emotional word picture to think that a child who is dying or a child that is disabled cannot be adopted. But, in fact, it is not true under this amendment.

Mr. LARGENT of Oklahoma. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I listened with great interest to the statement of the sponsor of the amendment; and there was great deal of emphasis on how, in the sponsor’s opinion, this family structure with two unaffiliated folks would not be in the best interest of the child.

Well, with all due deference, why should we care what we here think is in the best interest of the child? It is mean. It is mean that there are court proceedings that are going to have the opportunity to discern that. There are authorities in all the 50 States, including the District of Columbia, to make that determination.

Why is our judgment sitting here so important? The notion that somehow they would be better off with one parent, as the previous speaker seemed to imply, or in foster care, which is implicit in this entire debate, is utterly absurd. 

The power has also been made that these two people who are seeking the adoption are to the affiliated. They are affiliated. They are affiliated in their love and caring for this child. That affiliation should be the overarching one. That affiliation should be the one that is most important.

Finally, this notion that there is nothing legally binding between these two folks, in fact, in the past, this very House there have been prohibitions put on the District of Columbia from establishing domestic partnership jurisdiction which would clarify this issue once and for all. This argument should be about what is best for the child, not what we here think are values and how we here define “family.” That is not the issue.

I urge a "no" vote. Mr. LARGENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again I would just remind the gentleman that just spoke the reason we are here is the courts have said that the Congress has not declared a clear intent and that is entirely what we are doing here today.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, count me into the crowd that says, I do not want to destroy the best interest of the child rule that courts use in determining what is the best place for the child to live. And I think the gentleman is missing: Parental rights attach in a couple ways. Biological parents have parental rights because they are the biological parents.

Can they be terminated? Yes. A court can terminate the parental rights of a biological parent. But they have to have a court proceeding where they give notice to the parent and somebody comes and makes a case; and the judge, based on the best interest of the child, will make a legal determination that the parental rights are null and void.

This is a dramatic thing in the law. That happens. But it happens very rarely. But there is room in the law to terminate parental rights. The best interest of the child is always a concern by the court. But there is a legal concept in our law that I hope we never destroy, and that is that biological parents cannot lose their children without a very good reason and we are not going to form families outside the law without a very good reason.

A person who adopts a child that is a ward of the State becomes a legal parent by going through a process that is a pretty exhaustive review of that person’s qualifications to see if the best interest of the child can be accommodated by placing that child, the ward of the State, into the hands of an individual.

What my colleagues are trying to push here is a well-intentioned, well-meaning colleague from Oklahoma (Mr. LARGENT) is doing a good thing in my opinion, is not to take a couple, regardless of their gender, living outside of marriage and put
them in the same spot or the same status under the law as a couple who are legally recognized as a married couple. That is a tremendously damaging concept I think to the legal structure around marriage. That does not mean single individuals cannot adopt children.

What the gentleman from Oklahoma (Mr. LARGENT) is saying is that couples that are not connected by the legal bonds of marriage that has rules of the game allow them separate property and assets, that we are not going to extend the adoption rules to these couples. And that makes a lot of sense.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE). (Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Largent amendment. This legislation not only segregates nontraditional couples but also harms children who are in desperate need of loving families.

There are approximately 3,100 children in the D.C. foster care system. We all know that children of all ages deserve love and the nurturing of an adoptive couple, “couple” preferably. The best interest of the child and parenting skills must be the sole factor for placement in safe and loving homes and not marital status or sexual orientation.

Congress has traditionally left family decisions, law decisions, to the State and local levels. The odds for placing all 3,100 children currently in the D.C. foster care system in loving homes are slim. It would be a travesty to further jeopardize these odds and force children to languish in institutions, at greater cost to taxpayers, when there are loving couples waiting to give them homes.

Mr. Chairman, I urge my colleagues to continue to leave family law decisions, law decisions, to the State and local levels. The odds for placing all 3,100 children currently in the D.C. foster care system in loving homes are slim.

Mr. Chairman, I yield 1½ minutes to the gentleman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time. I want to clarify. The courts do not need this amendment. Gay couples are already able to adopt in the District of Columbia and that is not a matter where there is now need for clarification from Congress or anybody else. There is no chance that unsuitable parents can adopt in the District because the courts strictly regulate these adoptions.

This is a gay-bashing amendment. Yet everybody knows that gays can only get to adopt, under court proceedings, children that nobody else will adopt, the disabled children, the older children.

There are practical reasons why this is an important amendment. It guarantees that the child would have ongoing financial responsibility from both people; that the child’s interest before doctors and hospitals and in day care programs would be protected; that in the event one parent died, the child could directly inherit; and that if a parent became ill or died, workmen’s compensation and Social Security benefits could be preserved.

Who would want to deny these to a child because of some notion that the parents do not suit the Members here today? They suit this child. These children need loving parents. There are 3,000 of them. They are desperate for homes.

Do not pass this tragic amendment. Mr. LARGENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to make sure that there is nothing in this amendment that precludes anybody, any individual or couple related by marriage or blood from adopting any children, and that in the history of the District of Columbia there has never been a case that has shown that a child has gone unadopted because they could not be given joint adoption to people that were unrelated.

Mr. Chairman, I reserve the balance of my time. Mr. MORAN of Virginia. Mr. Chairman, I would inquire of the time remaining on both sides.

The CHAIRMAN pro tempore (Mr. H. J. W. WEST) said: Mr. Chairman, there is no perfect solution to the local news. We can tell them that good news is coming out of Washington. D.C. A new mayor, a new government, a balanced budget. In fact, they gave away garbage cans last week to come clean up our city. So things are happening here.

But what I am hearing from my colleagues is, “Let’s micromanage D.C., let’s micromanage the way rules are promulgated.”

Mr. Chairman, I would just ask my colleagues, when we had the debate of .08, Mothers Against Drunk Drivers, we all said, “No, it’s a States rights issue. Let them deal with it.”

When it came to setting speed limits on interstate highways, we all agreed, “It’s a State or local issue. Let them deal with it.”

But here we are saying, “Well, maybe we’ll get involved in a little or a few items that have partial resonance with our constituencies.”

Mr. Chairman, there is no perfect world out there. But for my colleagues who are pro-life, more people will be brought into this world when there are less abortions, and with that will come a perplexing situation of how do we care for these kids and how do we find enough homes for them?

Whether it is nuclear exchange or anything else, let us let local government decide. Let us let the local government deal with the laws, the laws, the laws, the laws, the laws. The congressionals are the law makers. We promulgate.”

Mr. LARGENT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to close on this debate and just answer a few of the
comments that have been made about the amendment once again.

First, I want to say, in response to my colleague from Florida’s statement just a moment ago, we are here explicitly because a judge in the District of Columbia has already told us that we need to know what Congress means in this area. I don’t know. I don’t understand. Their intent is unclear.”

Mr. Chairman, that is why we are here. I think clearly what our intention is on the issue of joint adoption being granted to people that are unrelated. That is exactly what this amendment does and nothing more.

I would also like to remind my friends and colleagues in the House that this amendment would not preclude a single adoption by a single child in the District of Columbia. In fact, it may even promote more adoptions as a result, because now as opposed to adopting as a joint custody, you have two individuals that can adopt individually. You can still do that. That is fine. We are not making any comments about that at all. What we are trying to do is prevent two sisters, who are already coming out of a confused background and beginning in their life from being thrown into an ambiguous and amorphous and confused situation by throwing them to a couple that are unrelated, that have no contract between them, and saying, “You both get joint custody.” That is wrong and we should not be doing it because it clearly is not in the best interest of the child and it definitely is not in the best interest of preserving of what it means to be married in the first place.

Mr. Chairman, I want to finish this debate by commending, first of all, the chairman of the Subcommittee on the District of Columbia because the first time, and this is really important, for the first time in the D.C. appropriation bill, he has provided $8.5 million in this bill to promote adoption in the District of Columbia, and he should be commended for that because it is the right thing to do.

The latest information I got shows that there are about 3,500 children in the District of Columbia waiting to be adopted. This $8.5 million will go a long way in helping provide for more children to be adopted as a result of this bill being passed and put in safe environments as a result of the adoption of this amendment.

Mr. Chairman, I urge the adoption of this amendment.

Mr. MORAN of Virginia. Mr. Chairman, we also want the $8.5 million for adoption funds used most effectively.

Mr. Chairman, I yield such time as he may consider to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, in the interest of safe and secure adoptions for the children of the District of Columbia, I urge a “no” vote on the Largent amendment.

We in Congress do not have any duty more important that protecting the welfare of children. Why, then, would we deny young people in the District of Columbia the right to have two legal guardians instead of one? There are 3,100 children in the District foster care waiting to be adopted. Each of them needs a loving and stable home. This amendment would promote adoptions that are less stable and secure by outlawing joint adoptions by individuals not related by blood or marriage.

The sponsor has made it clear that his amendment does not prohibit adoptions by gays or lesbians. Of course it should not. According to the American Psychological Association, studies comparing children raised by non-gay and gay parents do not identify developmental differences between these two groups of children.

But since the amendment does not prohibit these adoptions, the logic of the proposals is difficult to grasp. If gay or lesbian couples are going to be adopting children, shouldn’t we want those adoptions to be as stable and secure as possible? What purpose do we serve by making these adoptions more precarious? What is really at play here is a lack of comfort with fully affirming lesbian and gay adoption and gay families. And what is sad is that some members of Congress would ignore the scientific evidence and allow their own lack of comfort to stand in the way of secure family placement of children.

I ask you—in light of the evidence and the overwhelming need, do we have a right to stand in the way of making adoption placements as stable and secure as possible? Are we acting on behalf of children, or our own prejudices?

Both the child Welfare League of America and the Children’s Defense Fund oppose this dangerous amendment because they recognize that children in the District deserve the most stable homes we can find for them. I urge my colleagues to vote against the Largent amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consider to the gentleman from Massachusetts (Mr. OLVER).

(Mr. OLVER asked and was given permission to revise and extend his remarks.)

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

I rise in opposition to the Largent amendment which prohibits D.C. from using funds for joint adoption by people unrelated by blood or marriage.

I cannot construct or conjure up a legitimate reason for this amendment.

Under the amendment, two sisters, obviously related, would have a right to jointly adopt, but two women unrelated by blood would be precluded from jointly adopting that child regardless of the relative capacity of those two families to provide a stable loving home for the child.

Under the amendment, a married couple has the legal right to jointly adopt. But a common-law couple who have been together for 20 years, have children of their own and, by every proven measure, have love to give another child or even siblings orphaned by tragedy or accident, are prohibited from joint adoption.

It is capricious to argue that two parents provide stability, legal responsibility and continunity to an adopted child, and then deliberately deny the same child the benefit of stability, legal responsibility and continuity by denying joint adoption into the common-law couple’s family.

Three thousand children are presently in foster care, waiting and hoping to be adopted and have parents. One thousand of them are deemed “ready for adoption.” The underlying bill provides $8.5 million to promote adoption. We should not at the same time intentionally remove these children to find loving homes by attaching this mean-spirited amendment to the bill.

In my view, this amendment is without legitimate purpose and should be rejected.

Mr. MORAN of Virginia. Mr. Chairman, I yield the balance of my time to the gentlewoman from Wisconsin (Ms. BALDWIN).

The CHAIRMAN pro tempore. The gentlewoman from Wisconsin is recognized for 1 minute.

Ms. BALDWIN. Mr. Chairman, let me be clear: If this amendment becomes law, children who are being raised by unmarried couples will still have two parents. They will still receive love, protection and sustenance from both parents. And thankfully this amendment cannot stop that.

But what the Largent amendment will do is end up not harming the parents but the children, by not allowing two legal parents to care for the child. There are so many reasons for a child to have a legal relationship with two parents. Legal rights, obligations and responsibilities flow from the recognition of parenthood. Some of them include: the guaranty that both parents continue to have an ongoing financial relationship to the child. It assures legal access to and support from both parents in the event of a separation. It allows both parents to obtain health care and other employment-related benefits for the child which is especially important if one parent stays at home to raise the child. It protects the child in the event that one parent were to die without a will.

These are vital, vital legal responsibilities. This amendment would destabilize and on occasion rip families apart.

Mr. Chairman, I rise today in opposition to the Largent amendment.

Let me be clear: If this amendment becomes law, children who are being raised by unmarried couples will still have two parents. They will still receive love, protection and understanding from both parents. And thankfully this amendment cannot stop that.

But what the Largent amendment will do is end up harming not the parents but the children, by not allowing two legal parents to care for the child. There are so many reasons for a child to have a legal relationship with two parents. They will still receive love, protection and understanding from both parents, and thankfully this amendment cannot stop that.

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child, which is especially important if one parent does not work;

It protects the child in the event that one parent were to die without a will (the child would be entitled to inherit under the laws of intestate succession);

It allows the child to inherit from the parent's relatives, without costly legal battles;

It allows the child to be eligible for benefits such as a worker's compensation or Social Security upon the parents' unemployment, disability, or death;

It provides a presumptive guardianship of the child if the other parent dies, thus keeping the family unit intact. Otherwise, the child could potentially lose both parents, and may be forced to live in foster care.

One such tragedy occurred here in the District of Columbia and were it not for the courts here, recognizing the best interests of children, the children would have not only lost one parent to a tragic death but they would have lost a second to a travesty of justice.

If Congress truly cares about kids we should be acting in their best interests. That a member of this body would offer an amendment that will result in destabilizing families, on occasion ripping families apart, is wrong.

Mr. NADLER. Mr. Chairman, I rise today to oppose the amendment to the D.C. Appropriations Bill. This legislation would prevent joint adoptions by individuals who are not related by blood and marriage. In effect, this amendment, under the guise of ensuring the security of children, would prevent otherwise qualified couples from adopting the tens of thousands of children in need of adoption.

We are all aware that this amendment would prevent gay and lesbian couples from adopting children. I find it hard to believe that there are still Members of this Congress who can believe that sexual orientation has a direct effect on a person’s ability to raise a child. The American Psychological Association has conclusively decided that there is no scientific data which indicates that gay and lesbian adults are not fit parents. Research by the APA has also determined that having a homosexual parent has no effect on a child’s intelligence, psychological adjustment, social adjustment, popularity with friends, development of sex-role identity and development of sexual orientation. To maintain assumptions otherwise is unfair, and scientifically unfounded.

It is my belief, and I’m sure that with a moment’s consideration you will all agree, that the issue of adoption is best decided by parents and trained professionals on a case-by-case basis, based on the best interest of the child. We should not deprive children of families that are able to raise the child. How can you cheat a child out of a happy home and a caring family? How can you deny a person the right to share their love, their home, and the security they can offer a child?

Raising a child is a very personal issue, one that deserves the time and consideration of each individual case-by-case evaluation. Anything else is simply discriminatory. I urge my colleagues to oppose the Largest amendment, and let each child and each potential parent have the right to an individual evaluation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the amendment offered by Representative LARGENT to the District of Columbia Appropriations bill. This amendment would prohibit unmarried couples from jointly adopting children. I believe that local governments should be allowed to make the proper decision concerning adoptions, based on the universally accepted standards that regards the best interest of the child. Family law is not an area that Congress generally addresses because it is a local concern. State and local jurisdictions are better suited to address issues of domestic relations. There is no reason to deny potential parents the right to adopt a child based on their marital status. If we do not deny single people the right to adopt, a married couple should not face such a restriction.

This amendment places the children that are currently waiting to be adopted at risk for remaining in the foster care system. That would not be in the best interest of any child. These children need consistent care and a safe home.

This amendment suggests that an unmarried couple cannot provide a child with a proper environment to develop intellectually and socially. But this amendment only makes that suggestion of D.C.

Currently, D.C. and 48 other states allow lesbian and gay couples to adopt when it is in the best interest of the child. It is clear that two loving parents, offer a child greater stability than one parent, yet we would make this distinction if the couple is unmarried living in D.C.

I oppose this amendment because I believe that the needs of children to be in a loving environment should not hinge on the marital status of the couple that wants to adopt. We should encourage adoption and we should allow local judges to make the decisions concerning these children. I urge my Colleagues to oppose this anti-family amendment.

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT).

The CHAIRMAN pro tempore. The question was taken; and the ayes appeared to have it.

Mr. MORGAN of Virginia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 260, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 105-363 offered by Mr. BARR of Georgia. Page 65, insert after line 24 the following new section:

SEC. 367. None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any controlled substance, as defined in the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinol derivative.

The CHAIRMAN pro tempore. Pursuant to House Resolution 260, the gentleman from Georgia (Mr. BARR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR) and Mr. CHAIRMAN pro tempore. Mr. CHAIRMAN pro tempore. Mr. Chairman, I yield myself such time as I may consume.

Mr. CHAIRMAN pro tempore. Mr. Chairman, I know that some folks will not listen to this, but right off the bat, let me implore those who are considering an amendment to understand as much what it does not do as what it does.

Mr. Chairman, this amendment has nothing whatsoever to do with the publication of the ballot results of the marijuana initiative held in the District of Columbia last year. The current prohibition on taking steps to count and report the results of that ballot extend only through the end of this fiscal year. The amendment that I propose here has nothing to do with the counting of that ballot.

It has everything to do with continuing to say to the people of this country that insofar as the Federal Government has concern and jurisdiction over drug usage, that no moneys contained in this act shall be used for the purpose of legalizing or reducing the penalties for any Schedule I controlled substance including, but not limited to, marijuana.

In fact, the residents of D.C. have voted last year to legalize marijuana under the so-called medicinal use purpose, then this amendment today, if it is included in this appropriations bill, will prohibit further steps from being taken to implement that initiative. Without this amendment, if in fact the residents of the District of Columbia have voted in favor of marijuana legalization, without this amendment it will go into effect.

That is what this amendment addresses, that is all that it addresses, is further steps, any further steps towards the legalization of marijuana or other drugs under controlled substances, schedule 1, in the District of Columbia.

Now I also have and I am sure the folks on the other side have a letter from the Office of the Corporation Counsel that this is not the case.

Ms. JACKSON-LEE of Texas. Mr. Chairman, in opposition to the amendment offered by Representative LARGENT to the District of Columbia Appropriations bill. This amendment would prohibit unmarried couples from jointly adopting children. I believe that local governments should be allowed to make the proper decision concerning adoptions, based on the universally accepted standards that regards the best interest of the child. Family law is not an area that Congress generally addresses because it is a local concern. State and local jurisdictions are better suited to address issues of domestic relations. There is no reason to deny potential parents the right to adopt a child based on their marital status. If we do not deny single people the right to adopt, a married couple should not face such a restriction.

This amendment places the children that are currently waiting to be adopted at risk for remaining in the foster care system. That would not be in the best interest of any child. These children need consistent care and a safe home.

This amendment suggests that an unmarried couple cannot provide a child with a proper environment to develop intellectually and socially. But this amendment only makes that suggestion of D.C.

Currently, D.C. and 48 other states allow lesbian and gay couples to adopt when it is in the best interest of the child. It is clear that two loving parents, offer a child greater stability than one parent, yet we would make this distinction if the couple is unmarried living in D.C.

I oppose this amendment because I believe that the needs of children to be in a loving environment should not hinge on the marital status of the couple that wants to adopt. We should encourage adoption and we should allow local judges to make the decisions concerning these children. I urge my Colleagues to oppose this anti-family amendment.

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT).

The CHAIRMAN pro tempore. The question was taken; and the ayes appeared to have it.

Mr. MORGAN of Virginia. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 260, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LARGENT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

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counting and the reporting of the ballots from last year's marijuana initiative, let me reiterate what this amendment does and why it is so essential. It is essential because it will stop further steps from being taken pursuant to last year's initiative by any other entity, legalizing or criminalizing the possession of marijuana or other schedule 1 controlled substances. It will not prevent after the commencement of the next fiscal year on October 1 the counting and reporting of any ballot previously taken.

LEGALIZATION OF MARIJUANA FOR MEDICAL TREATMENT INITIATIVE OF 1998

SUMMARY STATEMENT

This Initiative changes the laws of the District of Columbia to: Restore the right of seriously ill individuals to obtain and use marijuana for medical purposes when recommended by a licensed physician to aid in the treatment of HIV/AIDS, glaucoma, muscle spasm, cancer, or other serious or chronic illnesses for which marijuana has demonstrated utility; protect seriously ill Washingtonians, their licensed physicians and caregivers from criminal prosecution or sanction; legalize for medical purposes only—the possession, use, cultivation, and distribution of marijuana in the District of Columbia pursuant to the prohibition and criminal sanctions against the use of marijuana for any nonmedical purpose.

TEST

Be it enacted by the Electors of the District Of Columbia That this act may be cited as the "Protecting Medical patients and Providers from marijuana Prosecution Initiative of 1998".

Sec. 2. All seriously ill individuals have the right to obtain and use marijuana for medical purposes when a licensed physician has found the use of marijuana to be medically necessary and has recommended the use of marijuana for the treatment (or to mitigate the side effects of other treatments such as chemotherapy, including the use of Azo, pro tease inhibitors, etc., radiotherapy, etc.) or diseases and conditions associated with HIV and AIDS, glaucoma, muscle spasm, cancer and other serious or chronic illnesses for which the recommending physician reasonably believes that marijuana has demonstrated utility.

Sec. 3. Medical patients who use, and their primary caregivers who obtain for such patients, marijuana for medical purposes upon the recommendation of a licensed physician who does not violate the District of Columbia Uniform Controlled Substances Act, effective August 5, 1981 (D.C. Law 4-29; D.C. Code § 33-501 et seq., controlled Substances Act), shall not be subject to criminal prosecution or sanction.

Sec. 4. It is understood that marijuana under the authority of this act shall not be a defense to any crime of violence, the crime of operating a motor vehicle while unlicensed or intoxicated, failing to stop for an accident, or other person or to the public, nor shall either negate the mens rea for any offense.

(b) Whoever distributes marijuana cultivated, obtained, or used pursuant to this act to any person not entitled to possess or distribute marijuana under this act shall be guilty of a misdemeanor. The penalty set forth in section 401(a)(2)(D) of the Controlled Substances Act (D.C. Code § 33-541(a)(2)(O)).

Sec. 5. Notwithstanding any other law, no physician shall in any way have denied any right, privilege or registration for recommending, while acting in the course of his or her professional practice, the use of marijuana for medical purposes. In any proceeding in which rights or defenses created by this act are asserted a physician called as a witness shall testify before a judge, in camera, Such testimony, when introduced in a public proceeding, if the physician witness so requests, shall have redacted any mention of the court or the name and identifying characteristics of the physician under seal.

Sec. 6. (a) A medical patient who in the possession of marijuana or cultivation of marijuana shall not apply to a medical patient, or to a medical patient's primary caregiver, any restriction where a parent or primary caregiver possesses or cultivates marijuana for the medical purposes of the patient upon the written or oral recommendation of a licensed physician and cultivation shall apply only to marijuana specifically grown to provide a medical supply for a patient, and not to any marijuana grown for any other purpose. In determining a quantity of marijuana that constitutes a medical supply, this act shall be interpreted to assure that any medical patient possessed or used pursuant to the law shall be a sufficient quantity of marijuana to assure that they can maintain their medical supply without any interruption in their treatment or deprecation of the medical effects of their medication.

(b) The prohibition in the Controlled Substances Act against the manufacture, distribution, with intent to manufacture, distribute, or cultivate, or against possession, of marijuana shall not apply to a non-profit corporation organized pursuant to this act.

Sec. 7. A medical patient may designate or appoint a licensed health care practitioner, parent, sibling, spouse, child or other close relative, domestic partner, case manager/worker, or best friend to serve as primary caregiver for the purposes of the act. A designation under this act need not be in writing; however, any written designation or appointment shall be prima facie evidence that a person has been so designated. A patient may designate not more than four persons at any one time to serve as a primary caregiver for the purposes of this act. [or the purposes of this subsection, that the best friend means a close friend, who is feeding, nursing and caring for the medical patient while the medical patient is in a weakened condition.

Sec. 8. Residency of the District of Columbia may organize and operate not-for-profit corporations for the purpose of cultivating, purchasing, and distributing marijuana exclusively for the medical use of medical patients who are authorized by this act to obtain and use marijuana for medical purposes. Such corporations shall comply with the District of Columbia Uniform Controlled Substances Act. Fees and licenses shall be collected by the Department of Consumer and Regulatory Affairs ("DCRA") in the same manner as other nonprofit corporations operating in the District of Columbia. The Director of DCRA shall issue such corporations exemptions from the sales tax, use tax, income tax and other taxes of the District of Columbia in the same manner as other nonprofit corporations operating in the District of Columbia.

Sec. 9. The exemption from prosecution for distribution of marijuana under this act shall not apply to the distribution of marijuana to any person under 18 years of age unless that person is an emancipated minor, or to a parent or another person to whom the minor has signed a written statement that such parent or legal guardian understands: (i) the medical condition of the minor, (ii) the potential side effects of the use of marijuana generally and in the case of the minor, and (iii) consents to the use of marijuana for the treatment of the minor's medical condition. Violation of this section shall be subject to the penalties of the Controlled Substances Act.

111. POST-HARVEST CARE ACT

Upon the approval of this act to the President and the Congress to express the sense of the people of the District of Columbia that the Federal government must develop a system to distribute marijuana to patients who need it for medical purposes.

Should any provision of this measure or the application thereof to my person or circumstance be held invalid, that invalidity shall not affect any other provisions or applicability of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure shall be construed to be severable.

Sec. 12. This act shall take effect after a 30 day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)).

Mr. Chairman, reserve the balance of my time.

Mr. Moran of Virginia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia (Mr. BARR) and claim the time. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we oppose this amendment. We certainly oppose the use of drugs that would contribute to a drug culture, that would contribute to the deterioration of our families and nation. The gentleman from Georgia (Mr. BARR) now goes beyond that to say that under any circumstances, regardless of what the outcome of that referendum might be that the citizens of the District of Columbia cannot have their doctor prescribe for patients who is suffering to be able to use marijuana to relieve their suffering.

Mr. Chairman, there are some ramifications of this amendment that go beyond what some might consider to be a
relatively heartless attempt on the part of the proponent of the amendment. For example, prohibiting the reduction of penalties associated with the possession, use or distribution of marijuana or any schedule 1 substance undermines the efforts of law enforcement, the courts, and the correctional system to enter into plea bargains with criminal defendants in their war against illegal drugs. It could eliminate the option of reducing sentences of prisoners as an incentive to encourage good behavior.

The gentleman from Georgia (Mr. BARR) I know was an assistant U.S. Attorney. He understands how important it is to be able to plea bargain, to be able to have flexibility, to look for the broader objective of reducing drug use or even to use individuals who are caught to be able to turn in the people who are truly distributing drugs. There are a lot of ramifications of this amendment, all of them negative. This should be defeated.

Now at this point I am going to reserve the balance of my time, so a number of subsequent speakers can list a number of reasons for our colleagues to vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sky is not falling and the sky will not fall if this amendment is adopted; let me assure my colleagues on the other side.

The extent to which the other side and the key proponent who just spoke is opposed to this amendment either blinds his judgment or his ability to fairly read within the four corners of the amendment, or he is simply engaging in an argument that he knows not to be an accurate one, there is nothing in this language that either expressly or by reasonable interpretation of the language would reduce in any way, shape or form the ability of any prosecutor to plea bargain. This amendment is by its four corners and by any reasonable interpretation designed simply to stop efforts to legalize or reduce penalties for the possession or use of controlled substances. It has nothing to do with plea bargaining which does not reduce penalties for, it simply disposes of a particular case.

I look forward to the other statements that the other side will put forward in opposition to simply standing for the proposition that we do not want and this body should not condone efforts to legalize drug usage in the District of Columbia.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Georgia (Mr. BARR) for his efforts of law enforcement. This is not about health care. The word medicinal in front of this is so disgusting. Marinol, a subpart of marijuana, can be used to treat, and it is legal, and if the only way you can do it is through smoke marijuana, one can go to HHS, and there is an appeal process for those rare cases.

This is a national drug battle being funded by a few individuals, and it is a back-door way to legalize marijuana. Every year, we go through a drug certification process for other nations. When I go down to Columbia or to Mexico or to Peru and Bolivia and other countries, they always say, "What's your standard of States?" If in our Nation's capital, we are going to relax our drug laws and allow the backdoor legalization of marijuana in our Nation's capital, a violation of federal law, then we should not be here, we should not be on the drugs we are on.

We ought to just acknowledge that we are going to allow the toleration of marijuana because that is, in fact, where we are headed here, and this is a subcomponent of arsenic. Therefore, we are going to encourage the use of arsenic or some other substance that can be fatal, that marijuana is the gateway drug along with the heroin. We have heard of the crack, and in and of itself, as we have heard in numerous drug hearings, from abused mothers.

We had an abused mother in Arizona who told how our husband got on marijuana, mixed it with alcohol, was beating her, and she was in constant fear of her life. It is not just harder drugs, it is also the marijuana. We had multiple wrecks in the last year in my district where students were on marijuana or those older than students were on marijuana who had automobile wrecks that terminated the lives of other people.

We cannot in our Nation's capital where the Constitution specifically says to exercise exclusive legislation in all cases whatsoever over such district especially when it is a national law. This law applies to every State. The States that went through these referendum procedures and were prosecuted in courts to resolve this. There is absolutely no reason to implement such a law in District of Columbia. It would be an abomination to our country.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would suggest to the gentleman from Georgia (Mr. BARR) that the source of my comments about limiting the ability of legal professionals to come up with plea bargains and to otherwise pursue justice in the court system came from the United States Justice Department and from the offender supervision division of the District of Columbia. To the best of my personal opinion, it was a professional opinion that this could do harm to their ability to reduce drug addiction and to go after drug criminals.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, first I want to welcome the gentleman from Georgia's belated conversion to democracy. I gather he is no longer insisting on the amendment he successfully authored last year to prevent the counting of votes, which I must say seems to me the least intellectually valid enactment of the United States Constitution. He has backed away from that. But what he now has is a rather poorly drafted amendment that is very different than the one its proponents defended.

In the first place, it does not just say law, it says law, rule, or regulation. If there were to be a policy in the prosecutor's office governing plea bargaining in controlled substances cases and my colleague wanted to amend that rule by which he controlled the practice of plea bargaining, it might be effective, but all the more important is the other language. It does not just say to legalize it, it says otherwise reduce penalties.

Do my colleagues know what would be illegal under this if it applies? Government Pataki of New York, the Governor of New York, has recently proposed, a good Republican, George Pataki, has just proposed to reduce sentences in the States have mandatory minimums, and he said those are not working. If they were governed by this, it could not happen.

Now are we going to tell the District of Columbia that they cannot in their policy experiment with a diversion program for first offenders, with reducing mandatory?

This Congress passed a law in 1994 over the objections of many on that side, but it was passed by the Congress, which did away with mandatory minimums in some cases for some controlled substances. Had we been bound by this law, it could not have happened.

This is an outrage. The debate about legalization and medical marijuana can move forward. I will note that this horrendous policy of supporting medical marijuana that is being decried over there has been supported by the electorates of many States, and I keep noting the extent to which the Republican party, at least as represented in the House, is falling out of love with the voters of America. Time and time again in public opinion polls or referendum the voters support my friends over the Congress. The voice heard from one gentleman about, well, we need to do prohibition. His argument was for prohibition of alcohol, not just marijuana, but this goes far beyond legalization. This says they cannot reduce penalties, they cannot reduce mandatory minimums, they cannot experiment with diversion programs. It ought to be rejected.

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I would remind my learned colleagues on the other side that the role of the U.S. attorney is governed very distinctly from the D.C. Appropriations...
Act. I would also remind my colleagues that the Department of Justice is fund- ed in an entirely different appropriation bill. This amendment here has nothing whatsoever to do with the power of U.S. attorneys to continue to prosecute the defendants. It would continue to sentence under federal laws and the ability of Federal prosecutors in the District of Columbia to plea bargain.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I probably, in committee, surprised some of my liberal friends by supporting the counting of the ballots. To me, it violated the First Amendment rights of individuals who at least expressed their opinion. I also stated that I would do everything in my power to fight against legalization of marijuana.

In California, they had an initiative, and they have found such extreme abuse of marijuana for medicinal purposes and medical because they could always find some doctor from the hippy generation of the 1960s or 1970s who would prescribe just to basically get around the law. They have had tremendous changes in California, already with it, and I think it is wrong.

I think the liberalization of family values, the liberalization of our traditions and our laws are part of the problems why we end up with Colombines and the things. I think it back on marijuana and other drugs would do the same kind of thing, and I will fight tooth, hook, and nail against the legalization of marijuana, but not the right to express one’s opinion on it.

I think that part is wrong.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

Let us face it. What is this amendment doing here? This amendment is inspired by a medical marijuana initiative many residents may have opposed, but the outcome is unknown because of the amendment offered by the gentleman from Georgia (Mr. BARR) amendment last year. It is outrageous enough to overturn local legislation without the consent of the governed. Mr. BARR just overthrown local legislation over last year. It is outrageous enough to otherwise reduce penalties, we may not be able to reduce drug sentences for routine matters like a defendant’s cooperation with the prosecution or successful completion of drug rehabilitation.

I would never ask my colleagues to support permissive drug use, and our own constituents know us better than that.

The full Committee on Appropriations eliminated this amendment because it recognized that democracy, not drugs, was the issue. Mr. Chairman, I ask my colleagues to respect that judgment. The gentleman from Georgia and any Member of this body can repair to their remedies after the legislation is enacted. We ask, for goodness sake, that you spare us something unprecedented, even for the District of Columbia, prior restraint on democracy.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The Chair would remind the Members that the gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining and the right to close; and the gentleman from Georgia (Mr. BARR) has 1 minute remaining.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I commend the gentleman for his leadership on this bill, and the gentleman from Oklahoma (Mr. ISTOOK) as well for his leadership in bringing the bill to the floor.

I rise in strong opposition to the Barr amendment for the following reasons. The findings of scientific research, the will of the voters of the District of Columbia, and compassion for people with serious illnesses all argue against this amendment.

In the spring of this year, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that marijuana is “Potentially effective in treating pain, nausea and anorexia of AIDS-wasting and other symptoms,” and it called for more research on the use of marijuana in medical treatment. That is the latest science.

Finally, we must consider the need for people with cancer, AIDS, and other serious illnesses who want access to a legal drug to have a drug with the symptoms of their illnesses. Of course, all of us in this body are opposed to illegal drug use, and those of us who are voting “no” on this amendment are strongly opposed to illegal drugs. I hope there is no question about that. We are also against the use of Federal law to make criminals of terminally ill people who are trying to use a proven remedy to seek relief.

The American Academy of Family Physicians, the American Preventative Medical Association, and the American Public Health Association all support access to marijuana for medical purposes.

Voters in my home State passed an initiative in November 1996 authorizing seriously ill patients to take marijuana on the recommendation of a licensed physician. Proposition 215 has authorized as many as 11,000 Californians who suffer from AIDS and other debilitating diseases with safe and legal access to a remedy that makes life a little more bearable.

Thousands of constituents in my district struggling with AIDS and cancer will tell us that choosing the appropriate medical treatment should be a decision for public health officials, physicians and patients, not for the House of Representatives.

Mr. Chairman, I urge my colleagues to oppose the Barr amendment.

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if anybody ever wondered what one big loophole looks like, this be it. This is a copy of the Legalization of Marijuana for Medical Treatment Initiative that is the subject of this debate, and I do not know whether folks on the other side have actually read the D.C. Initiative, but if they do, they will find it is one massive loophole. It is not limited only to certain types of diseases. It applies to virtually any illness. It is not limited simply to patients who say that marijuana or doctors who say that marijuana has a proven medical use. It is simply, does marijuana have therapeutic utility, whatever in the heck that means.

It also allows not only for the patient to have this marijuana, but for any friend of theirs who might have it to give to them. So it is just replete with loopholes. It does not even require a written prescription. It can simply be an oral recommendation of the doctor.

This is bad legislation. If we do not stop it today, it will run into effect, and we would be telling the people of this country that drug usage is okay in our Nation's Capital. We should not do that. Support the Barr amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, it is difficult to argue to make any drugs legally available. But under some circumstances, we do make drugs legally available. Certainly, morphine is customarily used when people are suffering. I know it myself, when my mother was dying and experiencing a great deal of pain, I had to inject morphine simply to reduce the suffering. I never would have done that, but the doctors prescribed it.

Basically, that is what we are suggesting here, that we defer to the judgment of medical professionals. If there is a way to relieve people’s suffering, people that are experiencing terminal illness, we should allow this. This is a tough vote, but I do think the right vote is to vote “no.” Leave this to the medical community.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)
Mr. NADLER. Mr. Chairman, today we are debating an amendment that has no business in this appropriations bill. The Barr amendment will continue the unprecedented assault on the democratic process. As many of my colleagues know, a provision that was inserted into last year’s D.C. appropriations bill included a section that prohibited the District of Columbia from spending any funds to count and certify the results of a voter referendum, Measure 59, held last November. The voters voted in 1996 to allow doctors to prescribe marijuana for medical purposes, this House responded with a resolution declaring that “marijuana is a dangerous and addictive drug and should not be legalized for medicinal use.”

Yet we all know that many narcotics—such as heroin and cocaine—when used recreationally are highly dangerous when used without proper medical supervision, are nonetheless approved for a range of medical uses. We do not deny narcotics to cancer patients because it could “send a signal” to others who may want to use them recreationally.

Yet that is what this amendment would say with regard to marijuana. With all due respect, I do not believe that anyone who had watched an AIDS or cancer patient suffer uncontrolable nausea for hours at a time could make such an argument.

Proponents of the amendment are quick to point out that the scientific community is divided over the medical benefits of marijuana. They are less quick to acknowledge that both the benefits and the dangers of a large number of medical substances are subject to scientific dispute.

I submit that it is not the job of the Congress to resolve such disputes. We could argue all day about the science. But that is not our role.

It is not our role to prohibit scientists from continuing to develop sound data regarding the safety and efficacy of marijuana—as they do with any other experimental treatment.

And it is both foolish and inhumane for us to prevent licensed physicians and their patients from studying the growing literature, weighing the benefits and the risks, and deciding whether the use of such drugs is medically appropriate—especially when more conventional therapies have been found ineffective.

If we are determined to override these local decisions and to replace sound medical judgment with our own, let’s at least not be hypocritical. Let’s take morphine and cocaine off the market as well. Let’s explain to the patients who depend on these drugs to control their pain that they will simply have to suffer so that we can send the “right signal” about drug abuse. I’m sure they’ll understand.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. STEARNS

SEC. 167. Nothing in this Act prohibits the Department of Fire and Emergency Services of the District of Columbia from using funds for automated external defibrillators.

ANNOUNCEMENT BY THE CHAIRMAN pro tempore.

The CHAIRMAN pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation shall be considered a violation of the Rules of the House.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.
The CHAIRMAN pro tempore. The gentleman from Oklahoma reserves a point of order.

Mr. STEARNS. Mr. Chairman, my amendment is very straightforward. It states that nothing in this act prohibits the District of Columbia from using funds for automatic external defibrillators.

This amendment, Mr. Chairman, seeks to highlight how invaluable AEDs can be to save personal lives. This is endorsed by the American Heart Association, the American Red Cross, the American Association of Respiratory Care, the American College of Cardiology, the Citizen CPR Foundation, and the International Association of Firefighters. These are just a few people that support the idea of making AEDs available in Federal buildings.

I want to make it clear to my colleagues that this amendment in no way seeks to dictate to the District of Columbia how they should spend their money.

An AED of course is a device that is a little larger than a laptop computer. It automatically analyzes heart rhythms and delivers an electric current to the heart of a cardiac arrest victim. AED can restart a heart that has stopped beating.

Passage of this amendment simply reaffirms that the District of Columbia should have access to the most up-to-date, state-of-the-art equipment. Like AEDs, they can restore a normal heart rhythm in persons suffering from sudden cardiac arrest.

Mr. Chairman, frankly, it does not require a lot of training. Just turn it on and it tells someone what to do. It allows a great number of people to be able to respond to medical emergencies that require defibrillation. They are essential to strengthening this chain of survival for anybody that has a cardiac arrest.

The four links to this process, of course, are dialing 911 as a first step, early resuscitation, and then defibrillation, and then, of course, early and advanced life support.

While defibrillation is the most effective mechanism to revive a heart that has stopped, it is the least accessed tool we have available. So I think putting AEDs in Federal buildings is much like the investment for putting firefighting equipment in the buildings.

Studies show that 250 lives can be saved each and every day from cardiac arrest by using the AED device. Those are the kinds of statistics that no one can argue with.

No one knows when a sudden cardiac arrest might occur. According to a recent study, the top five sites where cardiac arrests do occur are of course at airports, county jails, shopping malls, sports arenas, and courts of course. I believe we could do ourselves a favor and great comfort in knowing that in any one of these Federal buildings or, for that matter, any District building, that we have in Washington, DC, that the most up-to-date equipment is available and that folks are now trained to use it to help all Americans.

They are being produced today very inexpensively and is very easy to maintain, and so I think between those two things, the state of the art is bringing costs down for the AEDs and they afford a wider range of emergency capability for trained and equipped personnel.

So think with all of the tourists we have here in the District of Columbia each day, I think it is important that all of the Federal buildings, as well as the District of Columbia, have these available.

Mr. Chairman, I have talked to the gentlewoman who represents D.C. on this matter, and I urge my colleagues to adopt this amendment.

Mr. STEARNS. Mr. Chairman, it is my understanding that the gentleman from Florida (Mr. STEARNS) desires to offer an amendment by unanimous consent and that his language be included in the report in the bill.

Mr. STEARNS. That is correct, Mr. Chairman. I have worked out the language with the gentlewoman from the District of Columbia (Ms. NORTON), and as I understand, if she would confirm this, that she accepts the report language that I have, and then, by unanimous consent, I will withdraw my amendment.

Mr. MORAN of Virginia. Mr. Chairman, we have no objection. We would defer to the judgment of the Chairman.

Ms. NORTON. Mr. Chairman, if I could respond, I want to thank the gentleman for working with me on an issue of mutual interest that we did not have to go into statutory language or a point of order and yet could get the agreement of the District after a call to the police department on a matter that is of considerable importance. I appreciate the gentleman drawing it to my attention, and I appreciate the way in which the gentleman has worked with me collegially to get a satisfactory solution.

Mr. STEARNS. Mr. Chairman, I appreciate the compliment and I am always glad to work with the gentlewoman.

The report language in a sense is that we should conduct a study about the need for placement of the automatic external defibrillators in the Federal buildings and District buildings, so I think it is a first step for this country to recognize that AEDs are an important survival technique, and we are taking that step this afternoon here on the House floor.

I thank the gentleman of the D.C. Committee on Appropriations.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. BENTSEN. Mr. Chairman, I move to strike the last word.

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, today as we consider the appropriations bill for the District of Columbia, I want to highlight a high-profile case of police incompetence that has grievously affected some of my constituents. Last year, a resident of Baytown, Texas, Ms. Andrea Smith was only 2 months away from graduating from the University of Maryland when the car she was traveling in was broadsided by another vehicle on a District street, ending her life. Deaf since the age of 2 from meningitis, Chandra was looking forward to her graduation which would have occurred in December.

The suspect, who tried to flee the scene, was quickly apprehended by District police. However, in the first of many police department missteps, none of the attending officers called the police department's mobile crime personnel unit who routinely examines skid marks and patterns of debris and take photographs and measurements of fatal accident scenes. These mistakes, while serious, were a harbinger for an even more appalling series of events.

The Smith case was assigned to Detective James Walsh, whose handling of several other fatal crash scenes had been reviewed by the D.C. Police Department. When Detective Walsh began his investigation into the Smith case, he failed to order a blood sample from the suspect and did not get a warrant to search the suspect's vehicle. After he allowed the car to be towed, the police property division inadvertently junked the vehicle which contained direct evidence that the car should not have been on the road that night due to poor brakes and substandard steering. Police investigators later determined that the D.C. Police Department of Motor Vehicles inspectors passed the vehicle just weeks before.

Following these grossly negligent actions and mismanagement, another investigator was assigned to the case and prosecutors assembled a grand jury in an attempt to obtain further evidence and information. In the weeks after the accident, Chandra's parents remained in close contact with the lead detective, who assured them that the suspect would be charged with vehicular homicide and that the case would be turned over to a bölümü, yet as I understand, if she would confirm this, that she accepts the report language that I have, and then, by unanimous consent, I will withdraw my amendment.

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of an accident investigator, was de- mo ted and reassigned. His supervisors, who had allowed this detective to in- vestigate the crash site, were re- rimanded for their poor oversight of the detective.

What came to light after this case is even more shocking, that the lead de- tective had performed so poorly that 14 of his cases had been reassigned to other detectives because of his inepti- tude during accident scenes. The Police had long known this detective was not carrying out the basic functions of an accident investi- gator, such as interviewing key wit- nesses, taking blood samples, photograpging crime scenes, and pre- serving evidence.

After learning of the Department’s lapses in January 1999, Chandra’s par- ents were contacted by an investigator with the U.S. Attorney’s Office, who tried to salvage the case and bring some justice to the Smith family. The Smiths worked with an Assistant U.S. Attorney to reconstruct some of the evidence, including turning over det- ailed pictures of the car that the in- surance company had taken following the accident.

While a grand jury was convened, there have been no indictments and the case has now been closed. The Smith family, who have suffered through a terrible, wrenching tragedy, have been denied justice for their daughter’s life. Due to the original handling of this case, these parents are left searching for answers that may never be re- solved.

Mr. Chairman, I appreciate the tough job that the men and women of the D.C. Police Department have to do, and I believe that the vast majority do it well. But the incompetence in handling of the Smith case should not be toler- ated.

As we consider the funding levels for the District of Columbia for fiscal year 2000, I want to urge all of my col- leagues, especially the members of the committee to consider this case and the implications for our constitu- ents who may be affected by the inac- tion and incompetence in this instance by the District Police Department.

I also urge Police Chief Charles Ramsey, who has acted with compass- ion in his response to this matter, to take every action necessary to resolve this case. The job performance of the lead detective and the supervisors in this case is completely unaccept- able. Their lack of action has caused enormous grief for a family who may never achieve even a small measure of justice for the loss of their daughter. They clearly deserve better, and so do the residents of the District of Colum- bia and the citizens of the United States.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORIS

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). A few min- utes ago the Chair noted a disturbance in the gallery, in contravention of the law and rules of the House.

The Sergeant at Arms removed those persons responsible for the disturbance and restored order to the gallery.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the re- marks of my friend and colleague, the gentleman from Oklahoma (Mr. BENTSEN), and although I have no personal familiarity with the cir- cumstances he relates, I certainly share his concern about the proper en- forcement of laws and the proper proce- dures being followed by the police within the District for the protection of the citizens, whether they reside here, visit here, or work here.

I do want to point out to the gentle- man that in the bill we have pro- vided $1.2 million for the expenses of the Citizen Complaint Review Board, which is intended to deal with concerns about police procedure, whether they be activity or inactivity, actions or oversights.

I would certainly encourage the persons involved in the incident that he mentioned to utilize the services of that board, which we have sought to fund, to assist the District in resolving what we know are some long-term ac- cumulated problems regarding the po- lice department. The Chief of Police, Ramsey wants to aggressively correct.

So I appreciate the gentleman’s com- ments, and I certainly hope that the Citizen Complaint Review Board will be of assistance.

I also wanted to note, Mr. Chairman, on the Barr amendment, which was adopted by voice vote, there were a couple of concerns raised about whether there might be some unintended consequences. That is a conferencible item with the Senate, and we will cer- tainly look at that to make sure that no unintended consequences occur. I know the gentleman from Georgia (Mr. BARR) feels the same way, and we will be looking at that in conference.

I also wanted to note, Mr. Chairman, we will be having the vote shortly on the Norton amendment, which regards the ability to use public funds on the voting rights litigation that persons in the District have filed against the Fed- eral Government.

I expect, based upon past votes, that the House would reject that amend- ment and continue the prohibition, but I did want to note for the RECORD that I have initiated the conversation with the full committee that we might work with the District of Columbia (Ms. NORTON) and the gentle- man from Virginia (Mr. MORAN), the ranking member, about the possibility of addressing this in conference, where, rather than an outright prohibition, we might be able to make sure, of course, that nothing is reimbursed for past work, but that the District might con- sider having limited availability of local funds only for future litigation expenses in their discretion.

I intend to work with the con- ferrees, and we will see if that might be the end result. Certainly, of course, the amendment remains before the House to work its will, as it has previously.

Finally, Mr. Chairman, although we have devoted time today to talking about different amendments that are being offered to the bill, I think it is important that we all understand that there are some very important initia- tives in this piece of legislation: the drug testing and treatment for the 30,000 offenders who are widescale viola- ting the conditions of their freedom, that we need to get either off the streets or off of drugs, this is a major initiative; the adoption initiative; the annual funding of the various programs by the District; the charter school as- sistance and strengthening within the District; and certainly approving the District’s tax cut, which they have taken as a bold step in further impro- ving the economic status of the District and everybody who resides here.

Regardless of the vote on the amend- ments, I certainly intend to support the work of this House on the final bill. Regardless of how other Members may feel about the different amendments, I do not believe that any of them should be used by anyone as a reason to oppose the final passage of this bill, which I think helps to open a very strong and good chapter in better relations be- tween the Federal Governments and D.C., and to making the District a safer, better place with better schools for people who live here and work here and visit here, to be a better Capitol for our Nation.

I commend the work of the persons who have worked together on this bill, both within this House and within the District government.

Mr. Chairman, I urge adoption of the entire bill.

Mr. MORAN of Virginia. Mr. Chair- man, I move to strike the last word.

Mr. Chairman, I appreciate the re- marks of my friend and colleague, the gentleman from Oklahoma (Mr. ISTOOK). I applaud him for doing a very fine job in chairing this subcommittee and putting together an appropriations bill that is worthy of this House. In the subcommittee and in the full com- mittee, both Democrats and Repub- licans agreed this is a good bill. This is the bill that we want the President to sign.

It is still a good bill as it stands, unamended. If, however, it is amended on the floor of this House by changing the language that was approved by the full committee that so many Federal funds can be used for any needle exchange program in the District of Columbia, we will have to oppose this bill. We believe that the D.C. elected council and Mayor can determine how best to combat the drug epidemic in the District which, by many, many accounts, is the worst in the Nation, if that lan- guage in the bill is sustained, we would certainly want to support that.

If this body agrees that there is no need for the language put in by the gentlemen from Oklahoma (Mr. LARGENT) that would supersede the judgment of the domestic courts in this city with regard to who is eligible to
adopt children, then we have a bill that is going to pass virtually unanimously.

But the problem, Mr. Chairman, is that there are two amendments here that, if they are approved by this House, are so egregious in terms of trampling on the rights of the District of Columbia citizens, its elected representatives, and its court system that the White House has said it will veto this bill. Then we are right back at the starting point. All this excellent effort by the gentleman from Oklahoma (Mr. ISTOOK) and his colleagues on the Republican side and all the bipartisan support on the Democratic side will have been for naught.

That reason alone should be sufficient to vote down these amendments and vote up the appropriations bill before us, because these amendments do not belong in an appropriations bill. That is why we had the argument on the rule. We had to have a rule that waived the rules of this House, saying that we want that these are to be ruled out of order, we are going to rule them in order, allowing them to be added to the bill.

Had we stuck with an open rule, we would not have had to deal with this. We would have had a pure bill, an appropriations bill. We would have bipartisan support for it and it would pass overwhelmingly in this House.

That is why, Mr. Chairman, I would urge my colleagues to reject these two amendments: to support the bill, if they are rejected, and to give the White House a bill that it can sign right away and at least take this issue off the table.

Mr. Chairman, I want to thank the members of the Committee on Appropriations staff, I want to thank my assistant on the D.C. appropriations bill, Tim Aiken, who was ably assisted by Anstice Brand. I want to thank Tom Forhan particularly, as the lead minor-
July 29, 1999

The vote was taken by electronic device and there were—aye votes 214, no votes 214, not voting 5, as follows:

[Vote Roll No. 345]

AYES—214

Becerra        Bongino        Bost          Bradley (MA)  Brady (CT)  Brady (FL)  Brady (PA)  Brattain        Brown (CT)  Brown (HI)  Brown (OH)  Brown (Richard)  George

NOES—187

Abercrombie     Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman

The Clerk redesignated the amendment.

RECORDED VOTE

THE CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye votes 214, no votes 214, not voting 5, as follows:

[Vote Roll No. 345]

AYES—214

Abercrombie     Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman

NOES—187

Abercrombie     Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman

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A recorded vote was ordered.

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[Vote Roll No. 345]

AYES—214

Abercrombie     Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman

NOES—187

Abercrombie     Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman       Ackerman

The Clerk redesignated the amendment.

RECORDED VOTE

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A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye votes 214, no votes 214, not voting 5, as follows:

[Vote Roll No. 345]
July 29, 1999

CONGRESSIONAL RECORD — HOUSE

H6467

Isakson
Nussle
Shuster

Istook
Ose
Simpson

Jenkins (CT)
Packard
Skeen

Johnson (NJ)
Paul
Smith (MI)

Johnson, Sam
Pease
Smith (TX)

Jones (NC)
Peterson (MN)
Smith (WV)

Kasich
Kelly
Petri

King (NY)
Pickering
Souders

Kingston
Pikens
Spears

Kolbe
Pitts
Stenholm

Kucpel
Porter
Stevens

Lahood
Portman
Tancredo

Lazio
Prucne (OH)
Taulin

Leach
Prucne (WI)
Taylor (MS)

Leahy
Radanovich
Taylor (NC)

Lewis (CA)
Ramstad
Thomas

Linder
Reid
Thornberry

Lipski
Riley
Thurmond

Lobiondo
Rogers
Tiahrt

Lucus (OK)
Rogers
Toomey

Manzullo
Rohrabacher
Upton

McCollum
Ros-Lehtinen
Vitter

McCready
Roukema
Walden

Mclough
Royce
Walsh

Mclin
Ryan (NY)
Wamp

McIntosh
Ryan (KS)
Watkins

McKeon
Sailmon
Watts (OK)

Metcalfe
Sanford
Weldon (FL)

Mica
Saxton
Weldon (PA)

Miller (FL)
Schaffer
Welsh

Miller, Gary
Sensenbrenner
Whitfield

Moran (KS)
Sessions
Wicker

Myrick
Shadegg
Wigginton

Nethercutt
Shaw
Young (AK)

Ney
Shays
Young (FL)

Northup
Shurp

Norwood
Shimkus

NOT VOTING—5

jones (OH) (Peterson) (PA) Sununu
Mcdonnert
Skelton

Mr. WISE changed his vote from “aye” to “no.”
Mr. SWEENEY changed his vote from “no” to “aye.”

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. LARGENT

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 2 printed in House Report 106-263 offered by the gentleman from Oklahoma (Mr. LARGENT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.
The Clerk will redesignate the amendment.
The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.
A recorded vote was ordered.
The vote was taken by electronic device, and there were—aye 213, noes 215, not voting 5, as follows:

AYES—213

Abercrombie
Aberdeen
Allen
Andres
Balducci
Baldrige
Barbara
Barrett (WI)
Bass
Becerra
Bentsen
Berkeley
Berman
Biggar
Blair
Blaugugich
Blumenauer
Bonilla
Boroski
Boswell
Boucher
Boyd
Bradley (PA)
Brazill
Brennan
Briden
Brillar
Bryan
Burt
Byteler
Bayer
Buyer

RYE—215

Abercrombie
Aberdeen
Allen
Andres
Balducci
Baldrige
Barbara
Barrett (WI)
Bass
Becerra
Bentsen
Berkeley
Berman
Biggar
Blair
Blaugugich
Blumenauer
Bonilla
Boroski
Boswell
Boucher
Boyd
Bradley (PA)
Brazill
Brennan
Briden
Brillar
Bryan
Burt
Byteler
Bayer
Buyer

Mr. LARGENT.
Mr. WISE.
Mr. SWEENEY.

So the amendment was rejected.
The result of the vote was announced as above recorded.
The CHAIRMAN.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Hoyer) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 260, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.
The SPEAKER pro tempore. The question is on the engagement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.
The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.
The vote was taken by electronic device, and there were—young 333, nays 92, not voting 9, as follows:
The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Under the Rules, the Chair is empowered to determine the number of hours of debate and to require participation in debate, but the Chair had indicated that the Committee on Appropriations would have authority to accommodate the views of the members. The amendment printed in the report may be offered only at the appropriate point in the reading of the bill. Each amendment or section of an amendment the Committee shall rise and report the bill to the House with such amendments and alterations as may have been adopted. The amendment printed in part B of the report may be offered only at the appropriate point in the reading of the bill. Each amendment or section of an amendment the Committee shall rise and report the bill to the House with such amendments and alterations as may have been adopted.

The Speaker pro tempore (Mr. HEFFLEY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 minute.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 263 is an open rule providing for the consideration of H.R. 2606, the foreign operations, export financing, and related programs appropriations act, 2000.

By direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 263

Provisions of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause C of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. Each amendment printed in part A of the report may be considered only in the order printed in the report. The amendment printed in part B of the report may be offered only at the appropriate point in the reading of the bill. Each amendment or section of an amendment the Committee shall rise and report the bill to the House with such amendments and alterations as may have been adopted.

The statement of the Committee on Appropriations, after general debate, will be printed in part A of the Committee on Rules report only in the order printed in the report.