

under the rigorous Federal drug approval process conducted by the Food and Drug Administration ("FDA"), which prohibits drugs from being sold or distributed in interstate commerce as medicine unless they have been proven in sound clinical studies to be both safe and effective for their intended use. To date, no sound scientific study has shown that smoking marijuana is safe and effective for any disease or condition. The Institute of Medicine has concluded that "[t]here is little future in smoked marijuana as a medically approved medication," and the British Medical Association linked its use to greater risk of heart disease, lung cancer, bronchitis, and emphysema. The DEA, in conjunction with the FDA, has approved and will continue to approve research into whether discrete ingredients of marijuana can be adapted for medical use. However, with respect to smoked marijuana, the clear weight of evidence is that it is not medicine—it is harmful.

Finally, any amendment that would restrict enforcement and prosecution in certain specifically named States, but not in others, would prevent the Department of Justice from uniformly enforcing the law throughout the United States. As a practical matter, residents of States listed in such an amendment would be exempted from Federal enforcement and persecution for cultivation, distribution, and use of marijuana in certain circumstances, while residents of other States would continue to face potential criminal liability for precisely the same conduct. We also note that the amendment would effectively establish a classification among residents of different States with respect to the enforcement of the Federal drug laws. Consequently, Federal persecution of persons in non-covered States for marijuana-related drug violations potentially could be subject to challenge under the equal protection requirements of the Due Process Clause of the Fifth Amendment, particularly in States that may enact future medical marijuana laws that are not covered by the language of this provision.

Again, the Department of Justice opposes any amendment restricting enforcement of the Controlled Substances Act. We appreciate your continued support of our efforts to continue meeting the goals of the President's strategy to reduce youth drug use in America.

If we may be of further assistance in this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Ms. PELOSI. Mr. Chairman, I rise in support of this amendment offered by my colleagues SAM FARR, DANA ROHRBACHER, MAURICE HINCHEY, AND RON PAUL, and I salute their courage in bringing it to the House floor.

This amendment to the Fiscal Year 2005 Commerce, Justice, State, and Judiciary Appropriations bill would prohibit the Justice Department from spending any funds to undermine state medical marijuana laws. It would leave to the discretion of the states how they would alleviate the suffering of their citizens.

Eleven states, including my home state of California, have adopted medical marijuana laws since 1996. Most of these laws were approved by a vote of the people. More than 70 percent of Americans support the right of patients to use marijuana with a doctor's recommendation.

I am pleased to join organizations that support legal access to medical marijuana, includ-

ing the American Academy of Family Physicians, the American Bar Association, the American Nurses Association, the American Public Health Association, and the AIDS Action Council.

Religious denominations supporting legal access to medical marijuana or state discretion on this issue include the Episcopal Church, the Evangelical Lutheran Church, the National Council of Churches, the National Progressive Baptist Convention, the Presbyterian Church, the Union for Reform Judaism, the United Church of Christ, the Unitarian Universalist Association, and the United Methodist Church.

Proven medicinal uses of marijuana include improving the quality of life for patient with cancer, multiple sclerosis, and other severe medical conditions.

In my city of San Francisco, we have lost nearly 20,000 people to AIDS over the last two decades, and I have seen firsthand the suffering that accompanies this awful disease. Medical marijuana alleviates some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea.

In 1999, the Institute of Medicine issued a report that had been commissioned by the Office of National Drug Control Policy. The study found that medical marijuana "would be advantageous" in the treatment of some diseases, and is "potentially effective in treatment pain, nausea, and anorexia of AIDS wasting and other symptoms."

To fight the war on drug abuse effectively, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem.

Again, I commend Mr. FARR, Mr. ROHRBACHER, Mr. HINCHEY, and Mr. PAUL for their leadership on this issue, which affects the health and well-being of so many Americans.

Mr. KUCINICH. Mr. Chairman, I rise to support the Farr/Rohrabacher/Hinchey amendment, which will end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety. Instead, federal penalties for all marijuana use, regardless of purpose, includes up to a year in prison for the possession of even small amounts.

But since 1996, eight states have enacted laws to allow very ill patients to use medical marijuana in spite of federal law. The present administration, however has sought to override such state statutes, viewing the use of marijuana for medicinal purposes in the same light as the use of heroin or cocaine. In 2002, federal agents raided the Wo/Men's Alliance for Medical Marijuana or WAMM, an organization that under California state law legally dispensed marijuana to patients whose doctors had recommended it for pain and suffering. Eighty-five percent of WAMM's 225 members were terminally ill with cancer or AIDS.

The federal government should use its power to help terminally ill citizens, not arrest them. And states deserve to have the right to make their own decisions regarding the use of medical marijuana. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. All time has expired on this amendment. The question is on the amendment offered by the gentleman from California (Mr. FARR).

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

Mr. FARR. Mr. Chairman, I demand a recorded vote

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FARR) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. HASTINGS of Washington, 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. 4754) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER PRO FORMA AMENDMENT BY CHAIRMAN AND RANKING MEMBER TO EACH AMENDMENT MADE IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4754, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4754 in the Committee of the Whole pursuant to House Resolution 701 and the order of the House of earlier today, the chairman and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to each amendment for the purpose of further debate.

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The Speaker pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 701 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4754.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the