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House of Representatives

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 260 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. 2587.

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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 further consideration of 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, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 27, 1999, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in House Report 106–263 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: *Provided*, That such funds shall be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education anywhere within the United States: *Provided further,* That the awarding of such funds shall be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $8,500,000: *Provided,* That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate.

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 Clerk will designate 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:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

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

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 specifically address the issue that Washington, D.C. has been and continues to be a sanctuary for underaged consumption and possession of tobacco.

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 it continues to be the only jurisdiction within hundreds of miles of the Capitol still allowing underaged 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 teen tobacco use.

I talked last night with the mayor, Mr. Chairman, and he personally committed to 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 give 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 problem.

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 gentlewoman 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 went at this matter in a 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.

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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 ISTOOK for the way he has chaired 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 Mayor Williams and 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 fully 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; more than $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 hands of 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 needle 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 taxpayer 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 discontinued the direct federal payment to the District's general fund.[1]

Any 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.

[1] Jim, the table on page 22 of the committee report states that $26,950,000 in federal funds go to the District's general funds. While true from an accounting perspective, all $26,950,000 is restricted on how it can be spent: $17 million for in-state tuition, $8.5 million for incentives for adoption, $1.2 million for the Citizens Complaint Review Board, and $250,000 for Human Services.

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 no 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 on these social riders.

I was pleased to see that a majority of the full committee shared this perspective 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 gentlewoman 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 youth, particularly 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 on the part 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 will hold everyone responsible, and that individuals, even young people, have to be told quite clearly that they are going to be held responsible for staying away from tobacco products as much as possible.

Mr. Chairman, I am speaking from a position as coming from a local government agency; but I think anyone in this House would realize no State, no jurisdiction is more anti-smoking than the State of California. Some of us call it zealous. Even restaurants and bars do not allow smoking in California. What we found in California was that when a city in my district started enforcing a law against minor possession of tobacco, they found out there was no such law even in California.

So those of us in local government and State government looked around and said, while we have been so busy pointing fingers at others, we have not been asking ourselves what can we do in our jurisdictions. So that is why I am asking that we ask the Federal district to do this, the city council to do this.

Mr. Chairman, I think that this will give us the chance to be able to set an example; and, hopefully today, while we are discussing this, there are mayors, council members and legislators out there who will ask, is it illegal in our jurisdiction; have we done as much to send a clear message to children as Washington, D.C. is committed to doing today?

Mr. Chairman, I hope all of us will look at ourselves and ask what have we done to keep our children away from tobacco; and I think this amendment, when it is passed by the city of D.C., will send that message.

Mr. Chairman, the letters referred to above follow herewith:

JULY 27, 1999.

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

DEAR CONGRESSMAN 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 care 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,
Washington, DC.

DEAR REPRESENTATIVE BILBRAY: I am writing to express the concerns of the American Heart Association regarding your possible amendment to the District of Columbia Appropriations bill (H.R. 2587), that would penalize D.C. children who are caught with cigarettes or other tobacco products.

We firmly believe that children who become addicted to tobacco are victims of an industry whose own stated goal is to find

''replacement smokers'' for the hundreds of thousands of people who die each year from using their products. By targeting children with billions in marketing and advertising dollars, the tobacco industry has been very successful in maintaining a customer base, in spite of the 430,000 American deaths from tobacco use each year. Adults in the tobacco industry and retail establishments that facilitate underage marketing of tobacco products—not children—are the ones who need to be penalized. Unfortunately, the United States Congress has a very clear record of letting tobacco companies off the hook.

Because the repercussions of tobacco use are not always immediately apparent to young people, we recognize your motive to provide immediate consequences to children who are caught with tobacco. We are not opposed to finding ways to educate children on the dangers and consequences of tobacco use and we would willingly work with you in the future to accomplish this. However, unless this amendment is part of a comprehensive approach to limit access to tobacco—and punish adults who ignore access restrictions—then we believe it will merely punish the victims of tobacco promotion.

Although I am respectfully asking members to vote against your amendment, I hope there will still be opportunities for us to work together in the future to eliminate underage tobacco use.

Sincerely,

M. CASS WHEELER,
Chief Executive Officer.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, July 27, 1999.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered later today by Representative Bilbray to the District of Columbia appropriations bill. This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids 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 public education efforts, 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 retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced 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 address the fact that the tobacco industry spends $5 billion a year marketing its products. Kids in D.C. continually see tobacco ads on storefronts and in magazines. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport). In addition, the success of the tobacco industry targeted marketing efforts is evidenced by the fact that 75 percent of young African Americans smoke Newport, a brand heavily marketed to this group.

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling 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.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered later today by Representative Bilbray to the District of Columbia appropriations bill (H.R. 4380). This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids will work to reduce tobacco use rates. Rather, experience from other cities indicates that only a comprehensive program which vigorously enforces laws against selling tobacco to kids through compliance checks of retailers, and which included restrictions on tobacco ads aimed at kids, will be effective.

The narrow focus of this bill will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced 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 address the fact that the tobacco industry spends $5 billion a year marketing its products. Kids in D.C. continually see tobacco ads on billboards, bus shelters, and storefronts. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport).

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling 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,
Washington, DC, March 22, 1999.

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 spent twenty years in local government, including 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 amendment to the D.C. Appropriation Act (H.R. 4380) that prohibited individuals under the age of 18 years old from possessing and 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, 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 possession laws outlawing tobacco, and my amendment would have added the District of Columbia to this growing list of states. My amendment was very straight forward and easy to understand. It contained a provision to exempt from this prohibition a minor individual ''making a delivery of cigarettes or tobacco products 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 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 $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 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 also be required to perform community service or 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 address the issue of sales of 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-possession 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 strongest anti-tobacco bill in the 105th Congress, the Bipartisan NO Tobacco for Kids Act (H.R. 3868). The intentions of my amendment was to encourage youth to take responsibility for their actions. If individuals under the age of 18 know they will face a penalty for possession of tobacco, they might be deterred 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 address 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 we should 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 twenty other states who have passed youth possession and consumption laws. I would appreciate knowing of your intentions, and to work with you and Members on both sides of the aisle in 1999 to make sure this important piece of legislation becomes law.

Again, congratulations on your new position as Mayor and I look forward to working with you in the future.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

ANTHONY A. WILLIAMS,
Mayor, District of Columbia,
May 21, 1999.

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

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 Smoke-out 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 related data through grants provided by the Center for Disease Control.

I want to assure you that I share your concerns about teenage 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,
Washington, DC, July 8, 1999.

Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia,
Washington, DC.

DEAR MAYOR WILLIAMS: I would like to thank you for your response to my letter regarding my 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 mentioned 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 years from possessing and 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 FY 2000 D.C. Appropriations 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 advertisements by 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 minor would, 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 $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 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 also 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,
Member of Congress.

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 CHAIRMAN. The amendment is withdrawn.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to enter into a colloquy with the distinguished chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, the gentleman from Oklahoma (Mr. ISTOOK).

Mr. Chairman, I want to thank the gentleman from Oklahoma for his support in providing $250,000 in the bill to continue the mentoring program for at-risk children and the resource hotline for low-income individuals in the District.

Last year, Congress appropriated $250,000 to the International Youth Service and Development and Corporation to provide these worthwhile and much-needed services to the District. During the past year, I had the privilege to visit the southeast White House in Anacostia, where some of these services are provided to low-income citizens and at-risk children. I am pleased to report to the Congress that this minor allocation of $250,000 is making a real difference in the lives of many families who were struggling to survive and protect their children who are at risk in their community.

Is it the chairman's intention that this appropriation of $250,000 be used by the city to continue the good work which is currently being accomplished by the International Youth Service Development Corporation?

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I want to first thank the gentleman from Kansas (Mr. TIAHRT) for his hard work in this area. I know personally how active and vocal he has been as an advocate for the families and their children in the District that are most at risk.

The gentleman is correct that we have worked with the District and provided funding for them, which they are using to carry on this program that the gentleman has been discussing, and we are happy to be able to do that so that this work might continue and that the District might be able to work with him to do so.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for his comments.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the bill through page 25, line 12 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 text of the bill from page 3, line 7, through page 25, line 12 is as follows:

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $1,200,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $183,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33, approved August 5, 1997; 111 Stat. 712): *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee 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 DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $100,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $75,245,000; for the District of Columbia Court System, $9,260,000 and $9,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided*, That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *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, with payroll and financial services to be provided on a contractual basis with the General Services Administration, 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 Affairs 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 authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: *Provided,* That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for 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), $105,500,000, of which $69,400,000 shall be for necessary expenses of Parole Revocation, Adult Probation and Offender 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 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: *Provided further,* That of the amounts made available under this heading, $32,192,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and other treatment for those identified in need, of which not to exceed $13,245,000 shall be available until September 30, 2001, for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $3,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

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, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 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 City Administrator shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 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 paid to the respective BIDs pursuant 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 Amendment 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 135 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 five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, 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 approval of or be restricted 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 militia 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 Commanding General of the District of Columbia National Guard: *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 no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $17,000,000 from local funds being the Federal payment appropriated earlier in this Act for resident tuition support at public and private institutions of higher learning for eligible District residents; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; and not less than $27,885,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further,* That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs; $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds and $245,000 other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further,* That the public schools of the District of Columbia are 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 contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for 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 Board of Trustees of 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 $635,373,000 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 solely for District of Columbia employees' disability compensation: *Provided further,* That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further,* That $2,620,000 shall be available for program enhancements ($1,370,000 for selected increases in District bus service; $800,000 for new feeder bus service; $200,000 for new small bus operations; and $250,000 for the planning and development of the proposed New York Avenue Metrorail station).

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered 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, $8,500,000 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.

RESERVE

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, $150,000,000 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, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *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 to fund 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 shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: *Provided,* That for equipment leases, the Mayor may finance $27,527,000 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, $350,000 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 DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated 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 finance projects totaling $20,000,000 in local funds that result 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 financed 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 totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank 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 cost savings or additional revenues funded 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 $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 projected 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 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided,* That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act

under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $234,400,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'', approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212, D.C. Code, sec. 32–262.2, effective April 9, 1997, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $10,000 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds approriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

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

If not, the Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

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 certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

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 Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

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: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. 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 necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

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

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

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 of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council 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. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support 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 with projections.

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, by resolution, identifying 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 in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

COMPENSATION FOR CERTAIN OFFICIALS

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking '', not to exceed'' and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

''(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.''.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided,* That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985, (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided,* That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) 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. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

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 quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(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;

(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 and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, 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 entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

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 if 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 may be used to implement or 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 any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, 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) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(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 agency reporting code, and for all funding sources;

(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, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, 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 are required to be, and have been, submitted to the Board of Education; and

(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 change.

SEC. 132. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 133. (a) No later than October 1, 1999, or within 30 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia 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. 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 of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

CEILING ON TOTAL OPERATING EXPENSES

SEC. 135. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act 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) $5,522,779,000 (of which $152,753,000 shall be from intra-District funds and $3,117,254,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal 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 Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(d) 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 fiscal year, the receiver or 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 93–198; D.C. Code, sec. 1–101 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 House of Representatives not later than April 1, 2000, on all measures necessary and steps to be taken to ensure that the District's Public Schools open on time to begin the 2000–2001 academic year.

SEC. 138. (a) 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 Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who 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.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) 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 year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(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, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education (referred to in this section as the ''Board''), or its successor and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—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.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government 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 contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 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 (including 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 Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or 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 Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating 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(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Code, sec. 47–392.1(i)), as added by section 155 of the District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–146) is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the financial plans and budgets submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Chief Financial Officer of the District of Columbia and the Authority.

''(2) EXPENDITURE.—The reserve shall only be expended according to criteria established by the Chief Financial Officer and approved by the Authority and the Committees on Appropriations of the House of Representatives and Senate.''.

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 to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

STERILE NEEDLES FUNDS RESTRICTION

SEC. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 151. 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.

MONITORING OF REAL PROPERTY LEASES

SEC. 152. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsection (a)(2)(B) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each six-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the six-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

NEW LEASES AND PURCHASES OF REAL PROPERTY

SEC. 153. None 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) or 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—

(1) the Mayor certifies to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor from time to time determines is surplus to the needs of the District of Columbia;

(3) the Mayor implements a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor within 60 days of the date of enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

CHARTER SCHOOL CONSTRUCTION AND REPAIR FUNDS

SEC. 154. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended by inserting ''and public charter'' after ''public''.

DISPOSAL OF EXCESS SCHOOL PROPERTY

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. 156. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''

CHARTER SCHOOL SIBLING PREFERENCE

SEC. 157. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''

BUYOUTS AND OTHER MANAGEMENT REFORMS (TRANSFER OF FUNDS)

SEC. 158. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter 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.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

FOURTEENTH STREET BRIDGE

SEC. 159. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS.—In carrying out the project under subsection (a), the Authority shall use funds contained in the escrow account held by the Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, except that the amount used may not exceed $7,500,000.

ANACOSTIA RIVER ENVIRONMENTAL CLEANUP (TRANSFER OF FUNDS)

SEC. 160. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

CRIME VICTIMS COMPENSATION FUND

SEC. 161. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) Any unobligated balance existing 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.''.

DUTIES OF CHIEF FINANCIAL OFFICERS TO FOLLOW ACT

SEC. 162. (a) CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act (and the amendments made by this Act).

SEC. 163. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District 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, nondescriptive term, the document shall include a description 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 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the U.S. Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers 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 project of the 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. 300108 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 its action to reduce taxes, and ratifies D.C. Act 13–111 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

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 read 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 the following new paragraph:

''(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 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 AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (DC Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise 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 Registration 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 1999. This establishes 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 that is 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 gentlewoman from the District of Columbia as well, and I believe this amendment should prompt no objection from anyone and urge it 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,
Washington, DC, July 27, 1999.

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

Hon. ELEANOR HOLMES NORTON,
Longworth House Office Building,
Washington, DC.

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 Sexually Violent Offender Registration 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 (''MPD'') with community notification duties regarding sex offenders. (See section 12 at pp. 10–11.) The Court Services and Offender Supervision Agency (''Agency''), established pursuant to section 11233 of the National Capital Revitalization and Self-Government Improvement Act of 1997, will be charged with the task of registering sex offenders in the District. (See sections 5, 8, 9 and 10.) The registration functions including obtaining the initial registration information 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. In view of the sensitive nature of monitoring 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.

Enclosures: Draft federal legislation; Sex Offender Registration Emergency Act of 1999.

SEC. . 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; and

(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 by the Trustee under this paragraph, the Metropolitan Police Department shall continue to have the authority to carry out any functions assigned to the Agency or Trustee under the Act or 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 (other than community notification 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 and to enable the District to comply 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 and notification 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 established sex offender registration programs, and are attempting to bring their programs into compliance with the Wetterling Act standards. States (including D.C.) which fail to comply 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, and have proven to be 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 relatively 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 because they predated the reforms 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 reforms. (3) Experience has shown other problems with the original D.C. provisions. For example, the original D.C. system relied on a volunteer 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, in the form of emergency 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 D.C. Revitalization Act to handle adult offender post-conviction supervision 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 Trusteeship.

Since the Agency is responsible in any event for tracking and oversight of released sex offenders in the District as part of its supervision responsibilities, it is sensible and efficient to vest responsibility for sex offender registration functions in the same agency. The contemplated functions of the Agency under the new D.C. legislation include (inter alia) obtaining the initial registration information on sex offenders and informing them of registration requirements, periodically verifying address information and other registration information; adopting procedures for reporting of change of address or other changes in registration information by sex offenders; notifying registration authorities in other jurisdictions when sex offenders leave D.C.; maintaining and operating the sex offender registry for D.C.; entering information on D.C. sex offenders in the National Sex Offender Registry; and providing information on sex offenders to the Metropolitan Police Department and other law enforcement and governmental agencies as appropriate.

Because of the federal character of the Agency, complementary federal legislation is needed for the Agency to actually assume this role. The new D.C. sex offender registration legislation (the Sex Offender Registration Emergency Act of 1999) recognizes this need, providing in §18 that the Metropolitan Police Department shall have the authority to carry out the Agency's functions under the act, ''[p]ending 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 permanent functions of the Agency 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. Subsection (b) provides, in part, that the Trustee shall have the authority to exercise all powers and functions authorized for the Agency or 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 information on sex offenders to the Metropolitan Police Department and other law enforcement and governmental agencies. The subsection refers to other D.C. laws relating to sex offender registration, as well as to the current emergency legislation, because the emergency legislation lapses after 90 days, and will be succeeded by temporary and permanent 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 exercise of these functions could bring about 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 certifies that 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.

The CHAIRMAN. 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 printed in House Report 106–263 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 distributing sterile 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 Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such 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 this places disadvantaged neighborhoods at a greater risk.

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 Baltimore 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 5, 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 transmitted by needles. Nine 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 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 (Mr. COBURN), 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. COBURN).

[From the Policy Review, July-August, 1998]

KILLING THEM SOFTLY

(By Joe Loconte)

The Clinton administration says giving clean needles to 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.

In a midrise office building on 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 positive health. But it's not clear that's what the program's patrons are getting.

The clients are intravenous (IV) drug users. They swap their used needles for clean ones and, it is hoped, avoid the AIDS virus, at least until their next visit. There's no charge, no hassles, no meddlesome questions. That's just the way Walter, a veteran heroin user, likes it.

''Just put me on an island and don't mess with me,'' he says, lighting up a cigarette.

A tall, thinnish man, Walter seems weary for his 40-some years. Like many of the estimated 250,000 IV drug users in this city, he has spent years shooting up and has bounced in and out of detoxification programs. ''Don't get the idea in your mind you're going to control it,'' he says. ''I thought I could control it. But dope's a different thing. You just want it.'' Can he imagine his life without drugs? ''I'm past that,'' he says, his face tightening. ''The only good thing I do is getting high.

HEROIN FIRST, THEN BREATHING

Supporters of needle-exchange programs (NEPs), from AIDS activists to Secretary of Health and Human Services Donna Shalala, seem to have reached the same verdict on Walter's life. They take his drug addiction as a given, but want to keep him free of HIV by making sure he isn't borrowing dirty syringes. Says Shalala, ''This is another life-saving intervention.'' That message is gaining currency, thanks in part to at least 112 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 debacle, the White House upheld the federal ban but continues to trumpet the effectiveness of NEPs. Meanwhile, Representative Gerald Solomon and Senator Paul Coverdell are pushing legislation in Congress to extend the prohibition indefinitely.

There is more than politics at work here. 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 not 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 Easterlins, an outreach worker at a needle-stocked van in Brooklyn, sums up the philosophy this way: ''I have to give you a needle. I can't judge,'' he says. ''That's 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. ''When addicts talk about enslavement, they're not exaggerating,'' says Terry Horton, the medical director of Phoenix House, one of the nation's largest residential treatment centers. ''It is their 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 of more than a million people. 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 risk.

Nevertheless, NEP advocates seem steeped in denial about the behavioral roots of the crisis, conduct left unchallenged by easy access to clean syringes. Most IV drug users, in fact, die not from HIV-tainted needles but from other health problems, overdoses, or homicide. By evading issues of personal responsibility, the White House and its NEP allies are neglecting the most effective help for drug abusers; enrollment in tough-minded treatment programs enforced by drug courts. Moreover, in the name of ''saving lives,'' they seem prepared to surrender countless addicts to life on the margins—an existence of scheming, scamming, disease, and premature death.

CURIOUS SCIENCE

Over the last decade, NEPs have secured funding from local departments of public health to establish outlets in 71 cities. But that may be as far as their political argument will take them: Federal law prohibits federal money from flowing to the programs until it can be proved they prevent AIDS without encouraging drug use.

It's no surprise, then, that advocates are trying to enlist science as an ally. They claim that numerous studies of NEPs prove they are effective. Says Sandra Thurman, the director of the Office of National AIDS Policy, ''There is very little doubt that these programs reduce HIV transmission.'' In arguing for federal funding, a White House panel on AIDS recently cited ''clear scientific evidence of the efficacy of such programs.''

The studies, though suggestive, prove no such thing. Activists tout the results of a New Haven study, published in the American Journal of Medicine, saying the program reduces HIV among participants by a third. Not exactly. Researchers tested needles from anonymous users—not the addicts themselves—to see if they contained HIV. They never measured ''seroconversion rates,'' the portion of participants who became HIV positive during the study. Even Peter Lurie, a University of Michigan researcher and avid NEP advocate, admits that ''the validity of testing of syringes is limited.'' A likely explanation for the decreased presence of HIV in syringes, according to scientists, is sampling error.

Another significant report was published in 1993 by the University of California and funded by the U.S. Centers for Disease Control. A panel reviewed 21 studies on the impact of NEPs on HIV infection rates. But the best the authors could say for the programs was that none showed a higher prevalence of HIV among program clients.

Even those results don't mean much. Panel members rated the scientific quality of the studies on a five-point scale: one meant ''not valid,'' three ''acceptable,'' and five ''excellent.'' Only two of the studies earned ratings of three or higher. Of those, neither showed a reduction in HIV levels. No wonder the authors concluded that the data simply do not, and for methodological reasons probably cannot, provide clear evidence that needle exchanges decrease HIV infection rates.

THE MISSING LINK

The most extensive review of needle-exchange studies was commissioned in 1993 by the U.S. Department of Health and Human Services (HHS), which directed the National Academy of Sciences (NAS) to oversee the project. Their report, ''Preventing HIV Transmission: The Role of Sterile Needles and Bleach,'' was issued in 1995 and set off a political firestorm.

''Well-implemented needle-exchange programs can be effective in preventing the spread of HIV and do not increase the use of illegal drugs,'' a 15-member panel concluded. It recommended lifting the ban on federal funding for NEPs, along with laws against possession of injection paraphernalia. The NAS report has emerged as the bible for true believers of needle exchange.

It is not likely to stand the test of time. A truly scientific trial testing the ability of NEPs to reduce needle-sharing and HIV transmission would set up two similar, randomly selected populations of drug users. One group would be given access to free needles, the other would not. Researchers would follow them for at least a year, taking periodic blood tests.

None of the studies reviewed by NAS researchers, however, were designed in this way. Their methodological problems are legion: Sample sizes are often too small to be statistically meaningful. Participants are self-selected, so that the more health-conscious could be skewing the results. As many as 60 percent of study participants drop out. And researchers rely on self-reporting, a notoriously untrustworthy tool.

''Nobody has done the basic science yet,'' says David Murray, the research director of the Statistical Assessment Service, a watchdog group in Washington, D.C. ''If this were the FDA applying the standard for a new drug, they would [block] it right there.''

The NAS panel admitted its conclusions were not based on reviews of well-designed trials. Such studies, the authors agreed, simply do not exist. Not to worry, they said: ''The limitations of individual studies do not necessarily preclude us from being able to reach scientifically valid conclusions.'' When all of the studies are considered together, they argued, the results are compelling.

''That's like tossing a bunch of broken Christmas ornaments in a box and claiming you have something nice and new and usable,'' Murray says. ''What you have is a lot of broken ornaments.'' Two of the three physicians on the NAS panel, Lawrence Brown and Herbert Kleber, agree. They deny their report established anything like a scientific link between lower HIV rates and needle exchanges. ''The existing data is flawed,'' says Kleber, executive vice president for medical research at Columbia University. ''NEPs may, in theory, be effective, but the data doesn't prove that they are.''

Some needle-exchange advocates acknowledge the dearth of hard science. Don Des Jarlais, a researcher at New York's Beth Israel Medical Center, writes in a 1996 report that ''there has been no direct evidence that participation is associated with a lower risk'' of HIV infection. Lurie, writing in the American Journal of Epidemiology, says that ''no one study, on its own, should be used to declare the programs effective.'' Nevertheless, supporters insist, the ''pattern of evidence'' is sufficient to march ahead with the programs.

MIXED RESULTS

That argument might make sense if all the best studies created a happy, coherent picture. They don't. In fact, more-recent and better-controlled studies cast serious doubt on the ability of NEPs to reduce HIV infection.

In 1996, Vancouver researchers followed 1,006 intravenous cocaine and heroin users who visited needles exchanges, conducting periodic blood tests and interviews. The results, published in the British research journal AIDS, were not encouraging: About 40 percent of the test group reported borrowing a used needle in the preceding six months. Worse, after only eight months, 18.6 percent of those initially HIV negative became infected with the virus.

Dr. Steffanie Strathdee, of the British Columbia Centre for Excellence in HIV/AIDS, was the report's lead researcher. She found it ''particularly disturbing'' that needle-sharing among program participants, despite access to clean syringes, is common. Though an NEP advocate, Strathdee concedes that the high HIV rates are ''alarming.'' Shepherd Smith, founder of Americans for a Sound AIDS/HIV Policy, says that compared to similar drug-using populations in the United States, the Vancouver results are ''disastrous.''

Though it boasts the largest needle-exchange program in North America, Vancouver is straining under an AIDS epidemic. When its NEP began in 1988, HIV prevalence among IV drug users was less than 2 percent. Today it's about 23 percent, despite a city-wide program that dispenses 2.5 million needles a year.

A 1997 Montreal study is even more troubling. It showed that addicts who used needle exchanges were more than twice as likely to become infected with HIV as those who didn't. Published in the American Journal of Epidemiology, the report found that 33 percent of NEP users and 13 percent of nonusers became infected during the study period. Moreover, about three out of four program clients continued to share needles, roughly the same rate as nonparticipants.

The results are hard to dismiss. The report, though it did not rely on truly random selection, is the most sophisticated attempt so far to overcome the weaknesses of previous NEP studies. Researchers worked with a statistically significant sample (about 1,500), established test groups with better controls and lower dropout rates, and took greater care to account for ''confounding variables.'' They followed each participant for an average of 21 months, taking blood samples every six months.

Blood samples don't lie. 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 Lurie complained to one magazine, ''whether that 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 report.

And that objection lands NEP supporters on 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 explain away Montreal and Vancouver 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 people's worries,'' says Jean Scott, 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 assumes that most addicts worry about getting AIDS. Most probably don't: The psychology 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 chairman of the International Drug Strategy Institute and one of the nation's leading addiction specialists. ''What makes anybody think they'll make clean needles a priority?''

Ronn Constable, now a program director at Teen Challenge International in New York, says his addiction consumed him 24 hours a day, seven days a week. Addicts call it ''chasing the bag'': shooting up, feeling the high, and planning the next hit before withdrawal. ''For severe addicts, that's all they do,'' Constable says. ''Their whole life is just scheming to get their next dollar to get their next bundle of dope.''

Ernesto Margaro fed his heroin habit for seven years, at times going through 40 bags—or $400—a day. He recalls walking up to a notorious drug den in the Bedford-Stuyvestant section of Brooklyn with a few of his friends. A man stumbled out onto the sidewalk and collapsed. They figured he was dying.

Margaro 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 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 in greatest demand. ''They run around trying to find out who the dead person copped from,'' says Scott, a drug-treatment specialist with 30 years' experience. ''The more deaths you have, the more popular the heroin is. That's the mentality of the addict.''

NEEDLE ENTREPRENEURS

Some younger addicts may at first be fearful of the AIDS virus, though that concern probably melts away as they continue to shoot up. But the hard-core abusers live in a state of deep denial. ''I had them dying next to me,'' Constable says. ''One of my closest buddies withered away. I never thought about it.''

Needle-exchange programs are doing brisk business all over the country: San Diego, Seattle, Denver, Baltimore, Boston, and beyond. San Francisco alone hands out 2.2 million needles a year. If most addicts really aren't worried about HIV, then why do they come?

In most states, it is difficult to buy drug paraphernalia without a prescription. That makes it hard, some claim, to find syringes. But drug users can get them easily enough on the streets. The main reason they go to NEPs, it seems, is that the outlets are a free source of needles, cookers, cotton, and bleach. They're also convenient. They are run from storefronts or out of vans, and they operate several days a week at regular hours.

And they are hassle-free. Users are issued ID cards that entitle them to carry drug paraphernalia wherever they go. Police are asked to keep their distance lest they scare off clients.

Most programs require that users swap their old needles for new equipment, but people aren't denied if they ''forget'' to bring in the goods. And most are not rigid one-for-one exchanges. Jose Castellar works an NEP van at the corner of South Fifth Street and Marcy Avenue in Brooklyn. On a recent Thursday afternoon, a man walked up and mechanically dropped off 18 syringes in a lunch sack. Castellar recognized him as a regular, and gave him back 28—standard procedure. ''It's sort of like an incentive,'' he explains.

It's the ''incentive'' part of the program that many critics find so objectionable. An apparently common strategy of NEP clients is to keep a handful of needles for themselves and sell the rest. Says Margaro, ''They give you five needles. That's $2 a needle, that's $10. That's your next fix. That's all you're worried about.''

It may also explain why many addicts who know they are HIV positive—older users such as Walter—still visit NEPs. Nobody knows how many there are, because no exchanges require blood tests. In New York, health officials say that perhaps half of the older IV addicts on the streets are infected.

Defenders admit the system is probably being abused. ''An addict is an addict. He's going to do what he needs to maintain his habit,'' says Easterlins, who works a van for ADAPT, one of New York City's largest needle-exchange programs. Naomi Fatt, ADAPT's executive director, is a little more coy. ''We don't knowingly participate'' in the black market for drug paraphernalia, she says. And if NEP clients are simply selling their syringes to other drug users? ''We don't personally care how they get their sterile needles. If that's the only way they can save their lives is to get these needles on the streets, is that really so awful?''

NAME YOUR POISON

In the debate over federal funding for NEPs, herein lies their siren song: Clean needles save lives. But there just isn't much evidence, scientific or otherwise, that free drug paraphernalia is protecting users.

The reason is drug addiction. Addicts attending NEPs continue to swap needles and engage in risky sexual behavior. All the studies that claim otherwise are based on self-reporting, an unreliable gauge.

By not talking much about drug abuse, NEP activists effectively sidestep the desperation created by addiction. When drug users run out of money for their habit, for example, 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. ''Sex is a currency in the drug world,'' says Horton of Phoenix House. ''It is a major mode of HIV infection. And you don't address that with needle exchange.''

At least a third of the women in treatment at the Brooklyn Teen Challenge had been lured into prostitution. About 15 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 ''it may be that sexual transmission plays an important role.''

Kleber, a psychiatrist and a leading addiction specialist, has been treating drug abusers for 30 years. He says NEPs, even those that offer education and health services, aren't likely to become beacons of behavior modification. ''Addiction erodes your ability to change your behavior,'' he says. ''And NEPs have no track record of changing risky sexual behavior.''

Or discouraging other reckless choices, for that matter. James Curtis, the director of addiction services at the Harlem Hospital Center, says addicts are not careful about cleanliness and personal hygiene, so they often develop serious infections, such as septicemia, around injection areas. ''It is false, misleading, and unethical,'' he says, ''to give addicts the idea that they can be intravenous drug abusers without suffering serious self-injury.''

A recent University of Pennsylvania study followed 415 IV drug users in Philadelphia over four years. Twenty-eight died during the study. Only five died from causes associated with HIV. Most died for other reasons: overdoses, homicide, heart disease, kidney failure, liver disease, and suicide. Writing in the New England Journal of Medicine, medical professors George Woody and David Metzger said that compared to the risk of HIV infection, the threat of death to drug abusers from other causes is ''more imminent.''

That proved tragically correct for John Watters and Brian Weil, two prominent founders of needle exchanges who died of apparent heroin overdoses. Indeed, deaths from drug dependence in cities with active needle programs have been on an upward trajectory for years. In New York City hospitals, the number has jumped from 413 in 1990 to 909 in 1996.

GOOD AND READY?

Keeping drug users free of AIDS is a noble—but narrow—goal. Surely the best hope of keeping them alive is to get them off drugs and into treatment. Research from the National Institute for Drug Abuse (NIDA) shows that untreated opiate addicts die at a rate seven to eight times higher than similar patients in methadone-based treatment programs.

Needle suppliers claim they introduce addicts to rehab services, and Shalala wants local officials to include treatment referral in any new needle-exchange programs. But program staffers are not instructed to confront addicts about their drug habit. The assumption: Unless drug abusers are ready to quit on their own, it won't work.

This explains why NEP advocates smoothly assert they support drug treatment, yet gladly supply users with all the drug-injection equipment they need. ''The idea that they will choose on their own when they're ready is nonsense,'' says Voth, who says he's treated perhaps 5,000 abusers of cocaine, heroin, and crack. ''Judgment is one of the things that disappears with addiction. The worst addicts are the ones least likely to stumble into sobriety and treatment.''

According to health officials, most addicts do not seek treatment voluntarily, but enter through the criminal-justice system. Even those who volunteer do so because of intense pressure from spouses or employers or raw physical pain from deteriorating health. In other words, they begin to confront some of the unpleasant consequences of their drug habit.

''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 director of Teen Challenge in Brooklyn. ''The faster they realize they're on a dead-end street, the faster they see the need to change.''

JUSTICE FOR JUNKIES

Better law enforcement, linked to drug courts and alternative sentencing for offenders, could be the best way to help them see the road signs up ahead. ''It is common for an addict to say that jail 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.''

The key is to use the threat of jail time to prod offenders into long-term treatment. More judges seem ready to do so, and it's not hard to see why: In 1971, about 15 percent of all crime in New York was connected to drug use, according to law enforcement officials. Today it's about 85 percent.

''There has been 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. ''I was in love with heroin. I took it into the bathroom, I took it into church,'' she says. ''I was living in a fantasy. I was living in a world all to myself.''

And she 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 faced a possible 30-year term in prison—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 ''harm reduction''—accept the irresponsible behavior and try to minimize its effects with health services and education. Some needle exchanges, for example, distribute guides to safer drug use. A 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. . . .''

''Harm reduction is the policy manifestation of the addict's personal wish,'' says Satel, ''which is to use drugs without consequences.'' The concept is backed by numerous medical and scientific groups, including the American Medical Association, the American Public Health Association, and the National Academy of Sciences.

In legal terms, harm reduction means the decriminalization of drug use. Legalization advocates, from financier George Soros to the Drug Policy Foundation, are staunch needle-exchange supporters. San Francisco mayor Willie Brown, who presides over perhaps the nation's busiest needle programs, is a leading voice in the harm-reduction chorus. ''It is time,'' he has written, ''to stop allowing moral or religious tradition to define our approach to a medical emergency.''

It is time, rather, to stop medicalizing what is fundamentally a moral problem. Treatment communities that stress abstinence, responsibility, and moral renewal, backed up by tough law enforcement, are the best hope for addicts to escape drugs and adopt safer, healthier lifestyles.

Despite different approaches, therapeutic communities share at least one goal: drug-free living. Though they commonly regard addiction as a disease, they all insist that addicts take full responsibility for their cure. Program directors aren't afraid of confrontation, they push personal responsibility, and they tackle the underlying causes of drug abuse.

The Clinton administration already knows these approaches are working. NIDA recently completed a study of 10,010 drug abusers who entered nearly 100 different treatment programs in 11 cities. Researchers looked at daily drug use a year before and a year-after treatment. Long-term residential settings—those with stringent anti-drug policies—did best. Heroin use dropped by 71 percent, cocaine use by 68 percent, and illegal activity in general by 62 percent.

NEP supporters are right to point out that these approaches are often expensive and cannot reach most of the nation's estimated 1.2 million IV drug users. Syringe exchanges, they say, are a cost-effective alternative.

NEPs may be cheaper to run, but they are no alternative, they offer no remedy for the ravages of drug addiction. The expense of long-term residential care surely cannot be greater than the social and economic costs of failing to liberate large populations from drug abuse.

Phoenix House, with residential sites in New York, New Jersey, California, and Texas, works with about 3,000 abusers a day. It is becoming a crucial player in New York City's drug courts, targeting roughly 500 adolescents and 1,400 adults. ''Coerced treatment works better than noncoerced,'' says Anne Swern, a deputy district attorney in Brooklyn. ''Judicially coerced residential treatment works best of all.''

Nonviolent drug felons are diverted into the program as part of a parole agreement or as an alternative to prison. They sign up for a tightly scripted routine 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 and judges like the approach because of its relatively high retention rates. Sixty percent graduate from the program, Swern says, compared to the 13 percent national average for all 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 addicts helping other addicts; its trademark is the weekly group meeting, run out of homes, churches, and community centers.

''You get the benefit of hearing how others stayed clean today, with the things life gave them,'' says Tim, a 20-year heroin user and NA member since 1995. NA offers no professional therapists, no residential facilities, no clinics. Yet its 12-step philosophy, adapted from AA, is perhaps the most common treatment strategy in therapeutic communities.

The 12-step model includes admitting there is a problem, agreeing to be open about one's life, and making amends where harm has been done. The only requirement for NA membership is a desire to stop using. ''Complete and continuous abstinence provides the best foundation for recovery and personal growth,'' according to NA literature.

As in AA, members must admit they cannot 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 itself nonreligious, 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. One federal study found that 86 percent of the program's graduates were drug free seven years after completing the regimen. On any given day, about 2,500 men and women are 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—so I began to medicate. It was my way of coping.'' Though acknowledging that the reasons for drug use are complex, counselors make Christian conversion the linchpin of recovery. Ronn Constable says he tried several rehab programs, but failed to change his basic motivation 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 the Lord says he will not let me be tempted beyond what I can bear.'' He is typical of former addicts at Teen Challenge, who say their continued recovery hinges on their trust in God and obedience to the Bible. Warns Edmonds, ''If you do not make a decision to turn your will and your life completely over to the power of God, then you're going to go right back.'' Or as C.S. Lewis wrote in another context, ''The hardness of God is kinder than the softness of man, and His compulsion is our liberation.''

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 employment, usually for 12 to 24 months, safely removed from the culture of addiction.

This is the antithesis of needle-exchange outlets, which easily become magnets for drug users and dealers. Nancy Sosman, a community activist in Manhattan, calls the Lower East Side Harm Reduction Center and Needle Exchange Program ''a social club for junkies.'' Even supporters such as Bruneau warn that NEPs could instigate ''new socialization'' and ''new sharing networks'' among otherwise isolated drug users. Some, under the banner of AIDS education, hail this function of the programs. Allan Clear, the executive director of New York's Harm Reduction Coalition, told one magazine, ''There needs to be a self-awareness of what an NEP supplies: a meeting place where networks can form.''

Meanwhile, activists decry a lack of drug paraphernalia for eager clients. They call the decision to withhold federal funding ''immoral.'' They want NEPs massively expanded, some demanding no limits on distribution. Says one spokesman, ''The one-to-one rule in needle exchange isn't at all connected to reality.'' New York's ADAPT program gives 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: Intravenous drug users with lots of drugs, all the needles they want, and police-free zones in which to network. 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 death on the installment plan. For when a culture winks at drug use, it gets a population of Walters: ''Don't get the idea in you 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.''

□ 1145

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 never 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 problems that we have seen on this debate, and that is the people who believe it is good have never read the studies.

The science there 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,
Washington, DC, July 26, 1999.

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 the spread of the disease without 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 32–23, 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 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 up a program which is one of the most effective in the country.

Now, General McCaffrey supports the language in this bill. But he also makes it clear that he has never supported a prohibition on local jurisdictions' efforts to implement a needle exchange program.

There are 113 local needle exchange programs in this country. They are working with various levels of success, but all of them successful. In fact, in the District of Columbia, two-thirds of the people that had been exposed to HIV through dirty needles are no longer being exposed as a result of the effectiveness of the program in the District of Columbia.

Here we have a few hundred pages. They are not numbered. But these are the summaries of dozens of exhaustive studies by all of the organizations that we would want to look into this issue. They have all concluded that the needle exchange program works. They run the gamut from the National Institutes of Health, the Center for Disease Control, the Department of Health and Human Services, the National Association of Mental Health and Substance Abuse.

This program is endorsed by the American Medical Association, any number of organizations that are prestigious and credible.

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 on the face of it, my initial 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.

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 of any jurisdiction 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 city 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 D.C. 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 worse than to have a baby born with AIDS, 75 percent of the babies born with HIV are infected as a result of dirty needles.

The District of Columbia, my colleagues, has the worst problem with HIV transmission from dirty needles, the worst in the country. And yet it is

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 problem but, 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 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 very 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 help. 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 not even 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 conduct 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 hardcore 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 drug 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 concluded ''there was no 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 gentlewoman 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.''

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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. SOUDER).

Mr. SOUDER. 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 them clean needles to fight another disease is absurd on the face of it. The fact is that studies, quite frankly, have been done more methodologically correct, such as the Montreal and the

Vancouver studies, whereas other statistical studies have been assessed by the Statistical Assessment Service as not meeting those standards.

I would point out, for example, Montreal: ''We have yet to hear a cogent argument that would allay our 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. HIV 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 absurd.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,

Washington, DC, April 6, 1998.

INFORMATION—MEMORANDUM FOR THE DIRECTOR THROUGH: THE DEPUTY DIRECTOR; FROM: STRATEGY (D.B. 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. General; You had directed that Dr. Adger and I visit the Vancouver Needle Exchange in 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 Schedule at TAB 1). 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 Vancouver 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 than the HIV 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 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 averaging more than 10 deaths due to drugs per week, and were on pace for 600 deaths province-wide in 1998—mostly in Vancouver.

D. With the implementation of NAFTA, the Vancouver Port Police was disbanded. Vancouver is the most active Pacific port in North America.

E. The highest 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 Health Board stated: ''I can 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 governmental responsibility for 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 features of the Downtown/Eastside (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 IV 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 million needles a year.'' 10 million is the number he estimated would be required to accommodate the injecting cocaine users in Vancouver with one needle per injection.

H. Every interviewee stated that the primary reasons for the increase in drug abuse was the available supply 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 a drive-around with a detective 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 frequently encountered discarded syringe wrappers and protective tips.

4. Observations—Reporter Notes:

A. Everyone save the police clearly wanted needle exchange to be a success (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 ''nutbowl effect''—the homeless, migrants, counterculture types and disaffected, 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 Colombia (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.'' (Note—it might be interesting to evaluate other NEPs in this light—generally, NEPs in America were established on the trailing 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 requirement for addicts to abstain for 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 and at-risk segment of society than were infrequent NEP users. When asked if there were any studies comparing NEP users and non-NEP users, the study director responded that they had no way to interview non-NEP users.

D. Property crime of all sorts in Vancouver seems to be 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.

F. All interviewees save the police referred to the NEP's efforts to maintain relations with the community, and their efforts to keep discarded needles away from schools, etc. However, in a private interview, an elementary schoolteacher 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 treatment. 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.

(1) Absent any mandate for drug treatment, NEPs will focus on what they can afford and do best—exchange needles.

(2) Once the NEP was instituted, there seemed to be no imperative for the establishment or expansion of drug treatment. All interviewees stated that NEP was not a ''silver bullet,'' but reality suggests that it is treated as such.

B. In the absence of treatment, the potential benefits of needle exchange programs are marginalized for the most at-risk. The single most common explanation given for the prevalence of HIV among NEP participants was that the NEP participants were at a greater risk than non-NEP participants. Harm reduction believes that by giving addicts the means and knowledge to safely use drugs (i.e. needles), most of the negative effects of drug abuse can be alleviated. Yet this approach still requires that the addict responsibly use the needles he is given; the HIV statistics show that he does not. For an at-risk population paternal approaches which—as a last resort—can supplant irresponsible behavior will probably be more effective. With an at-risk population, without access to drug treatment, needle exchange appears to be nothing more than a facilitator for drug abuse.

C. High-purity cocaine and heroin is becoming increasingly prevalent and will pose challenges across the board. Vancouver is literally swamped with drugs. Large seizures appear to have no effect at the street level. This influx of high-purity heroin and cocaine is a major cause of both the high HIV rates in Vancouver as well as the high death rate. We should examine high-purity drugs as a separate threat, and consider a national initiative along the lines of our methamphetamine initiative.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN) who represents the immediate suburb of Washington D.C., Prince Georges County.

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to this amendment. It is both arrogant and misguided. It is arrogant because it attempts to impose the will of this Congress on citizens of the District of Columbia. The gentleman is from Kansas and I submit that we would never attempt to impose the will of this Congress on the citizens of Kansas and the citizens of Wichita, Kansas. We would let them spend their money the way they want to.

This amendment would say that the citizens of the District of Columbia could not spend local money the way they want to. The District of Columbia has experience with this issue. In fact, through the Whitman-Walker Clinic and using local funds, they implemented a program and the program was successful. It reduced needle sharing by two-thirds.

Mr. Chairman, that is the issue, needle sharing. Where we reduce needle sharing, we reduce the transmission of AIDS.

Now, who says this approach works? Well, the National Institute of Health says this approach works. The Center for Disease Control says this approach works. The American Medical Association says needle sharing works. The National Academy of Sciences says needle sharing works. The body of scientific evidence in America suggests this is a proper approach.

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 distinguished 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 trying to set 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 that just 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 speak very eloquently, 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 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 support of this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume. I trust that the gentleman from Georgia (Mr. BARR) is aware that Georgia has a needle exchange program and we do not tell Georgia that they cannot have a needle exchange program, nor do we tell any of the other 113 cities around the country except for the District of Columbia that they cannot have such a needle exchange program.

Mr. Chairman, I yield 1 minute and 40 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time, and I rise in opposition to the Tiahrt amendment which would prohibit the use of local funds for the City's needle exchange program which prevents new HIV infections in injection drug users and their partners.

I want to point out, also, this amendment had been rejected by the Committee on Appropriations. Trying to micromanage D.C. would be counterproductive for the Congress and it encroaches on the legitimate roles of the City Council and the Control Board. We in Congress have worked hard to give back local control to our communities, and these provisions would run contrary to that objective.

As has been mentioned, the District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission and it accounts for over 37 percent of all new AIDS cases. Incidentally, AIDS is the third leading cause of death of all people in the District of Columbia. And for women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. And since Johns Hopkins from Maryland had been mentioned earlier, I have an article from the newspaper which says:

> Maryland's only needle exchange program neither promotes crime nor encourages children to take up drugs as critics fear, two Johns Hopkins researchers said.
>
> The Nation's scientific community is united in ruling that giving clean needles to HIV-infected addicts is good public health policy.

AMA, ABA, the pediatrics, the Mayors, Dr. Koop has been mentioned. Let us let public health experts make those decisions and vote against the amendment.

Mr. TIAHRT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the opponents of this issue say that everybody is united in the scientific world. That is just absolutely not true. It may be their opinion but it is not fact.

Secondly, have any of my colleagues ever gone on drug ride-alongs? You go through these houses. You would not walk in there with combat boots. There is trash, there are needles all over the

place. In several of these I found mattresses where the prostitutes are asking for sex for drugs, and in one I even found a teddy bear where the prostitute had their child. The child is playing around all of these needles.

The San Diego police then took me into a park 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 put 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 exchange, and it is actually a negative effect.

Mr. MORAN of Virginia. Mr. Chairman, 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 California, but also, most importantly, this is a needle exchange program. There are no extra needles as the gentleman referred to. You do not get a clean needle 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 gentleman from Baltimore, MD (Mr. CUMMINGS) that has a particularly effective needle exchange program.

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

A lot has been said about the Baltimore program, but the fact still remains 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 rate of the spread of AIDS. It has been very, very clear and it has been studied by Johns Hopkins Hospital and University, the number one university and hospital in the country.

Number three, it has reduced the use of drugs. I live in a drug-infested neighborhood. The argument that was just made does not even make sense. The fact is that in the areas where needle exchange takes place, they have discovered that there are less needles on the streets so that people can stub their toes and whatever.

This is a very, very, very bad amendment. We sat here last year and I talked about people dying. The fact is that many have died because we did not do the right thing last year, and now we have an opportunity to save some more lives. This is our opportunity. And so it is.

I beg the House to vote against this Tiahrt amendment.

Mr. TIAHRT. Mr. Chairman, I would remind the Members that nine out of 10 injection drug users in Baltimore are infected with hepatitis C. It is not a successful program.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Tiahrt amendment to the D.C. appropriations bill. This amendment will prohibit Federal and District funds from being spent on any program to distribute hypodermic needles for the purpose of illegal drug injection.

When we had this debate several years ago, I did take the time to read the bulk of the studies on this issue. The studies in my opinion in no way make it clear that these programs work. There are studies that show that these programs are actually bad. Each side can pull out the respective studies and quote from their studies to make these kinds of assertions.

The District of Columbia is not some hamlet in Maryland that we are talking about. We are talking about the capital of the United States of America. I consider this town to be as much the possession of every person in the United States as it is the people who live here year round, and I believe it is very, very appropriate for us to set some standards.

This is a good amendment. The needle exchange programs, I believe, encourage the use and they send a very, very bad signal to our youth. There are studies that show obviously it plays a role in the passage of infectious diseases.

I strongly encourage my colleagues on both sides of the aisle to vote in support of the Tiahrt amendment.

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Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Baltimore, Maryland (Mr. CUMMINGS).

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

The Johns Hopkins University just concluded 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 significantly increase the willingness of teens to use drugs and the communities with needle exchange programs did not experience any increase in the number of discarded drug vials and needles found in the streets.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who is a physician, a family practitioner, throughout her career.

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 sends a negative message, but needle exchange sends a good message that we will implement and support policies that save lives.

Our colleagues who support that amendment use the statistics and deliberately twist them to support a position that flies in the face of overwhelming scientific evidence and is contrary to public health policy. The needle exchange programs take place in communities where there is 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.

Yes, I am a physician. I know from experience what HIV can do to end lives that have otherwise gotten back on track and are productive after leaving drugs behind. What we are doing here does not even give people, good people who have had the illness of drug addiction, a chance.

But do not take my word for it. My colleagues have heard of all of the other organizations that support needle exchange, and take what Dr. Koop says, that it can save lives and reduce drug abuse.

This is a terrible amendment. It jeopardizes the District's effort to address what is a serious epidemic here. Let us not write off lives, let us save them.

Mr. TIAHRT. 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 bloodborne 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 rise in support of the amendment offered by the gentleman from Kansas (Mr. TIAHRT). If all else fails, look to the evidence in a place where such a policy has already been attempted. Let us look at the Vancouver experiment.

The Vancouver needle exchange program is one of the largest in the world, distributing 2½ million needles in the last year alone. Well, instead of decreasing the rate of HIV and AIDS in Vancouver, the HIV rate among needle exchange participants is even higher than the rate among injecting drug users who do not participate. How can that be called successful? And we want to emulate that here?

The death rate due to illegal drugs in Vancouver has also skyrocketed since the program began, and the highest rates of poverty crime in Vancouver are within two blocks of the needle exchange.

At the very least, the available scientific studies in no way conclude that a program which enables drug users can simultaneously seek to end their destructive habit and help them to stop shooting up. In fact, it looks as though the opposite is true.

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,

not another crutch. In our Nation's capital, Washington, D.C., let us not send a mixed message to our Nation's youth for illegal drug use.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

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 people of the District from 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. They do not encourage or increase drug abuse. In fact, there is overwhelming evidence that they actually help reduce drug abuse by encouraging injection drug abusers 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. ISTOOK), the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations.

Mr. ISTOOK. Mr. Chairman, what are the goals we have? To save lives, to reduce crime, to reduce illegal drug usage which helps to reduce 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 make sure that 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 say not only the Federal funds, but local funds also should not be used for needle exchange program if they are taxpayer dollars?

The amendment of the gentleman from Kansas (Mr. TIAHRT) that we are voting on offers the identical language that was approved last year by 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 and the problems it causes in the District.

The District funds 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 new program of universal drug testing for the 30,000 people in the District of Columbia that are on probation or parole, most of them for things 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 with our 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 peaceful co-existence? I fear the needle exchange program would use public money to undercut and undermine the effort that we have undertaken in this bill to combat illegal drugs.

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

Ms. WOOLSEY. Mr. Chairman, some on the Republican side treat D.C. like their own conservative petri dish, and based on the results, they figure out how to impose their ideological agenda 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 from 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 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 this 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 their mothers 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 29 cities worldwide where the program was in place, HIV infection dropped by an average of 5.8 percent a year among drug users. In 51 cities that had no needle exchange plans, 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 Vancouver study, and I will be happy to quote their summation. 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 because there is a study at the location 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 program was not a silver bullet, 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, increase in HIV infection 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.)

□ 1230

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 and that they do not encourage drug use.

The numbers are shocking. Every day, 33 people become infected with AIDS, a virus as a result of intravenous drug use. 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, the figure is 75 percent.

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.

Finally, Mr. Chairman, we should not prevent the District of Columbia from exercising its judgment in spending its money, not Federal money, to join the other 113 local governments in preventing the spread of AIDS through the use of a needle exchange program.

We do not have an equal interest, all of us, in the affairs of the District with the residents. They live here. We have an interest in a decent Capital. Elementary democracy says they should rule most local affairs. This bill tramples on that elementary democratic principle. Do not vote for this amendment.

Mr. Chairman, I rise today in opposition to the Tiahrt amendment which would prohibit federal funds for needle exchange distribution programs in the District of Columbia.

Mr. Chairman, the amendment we are debating today is a death sentence to many in this country. Mr. Chairman, the evidence is clear and convincing. Needle exchange programs save lives!

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. There is no real controversy surrounding this compelling data—all the experts agree it is a *fact* that needle exchange saves 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 does 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 our capital. We have an interest in its 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.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to 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 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.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Madison, Wisconsin (Ms. BALDWIN).

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 are proven. In communities all 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 bringing drug users to treatment for their drug abuse.

In my hometown of Madison, Wisconsin, outreach workers go out into the community and out on 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 3½ minutes remaining; the gentleman from Kansas (Mr. TIAHRT) has 4 minutes remaining.

The gentleman from Virginia (Mr. MORAN), as 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 to close, so 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, D.C. 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 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 see drug addiction reduced, 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 we want babies in Washington, D.C. to 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 going out and trying to solve a 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 classic, 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 1¾ 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 we have 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, 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. Varmus, 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 reduced to zero the transmission 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 HIV prevention strategy, are an effective public health intervention that reduces the 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 1½ 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 here are a taxpayer 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 have friends who are recovered alcoholics. 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 men and women of this 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

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, because what 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 corollary. This year, 13 million Americans 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 do it. So our message has been, 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 viral diseases. HIV is nothing compared 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 consequences; we are, in fact, enabling them to fail and die of diseases.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of the time.

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 Pediatrics, the American Nurses Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, the National Institutes of Health, the Centers for Disease Control. Every single professional organization tells us this program works.

□ 1245

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 no business 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 this House representing a region of the country with an astronomically high rate of HIV transmission and AIDS, 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 continues 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 pending that, 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 redesignate 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

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 taxpaying American citizens who are denied full representation in the 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 unAmerican. It is also futile and moot. The lawsuit for D.C. voting rights recently argued before a three-judge panel in the District court is being carried pro bono by a major law firm.

The District's involvement always was 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 peaceable 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 Committee on Appropriations.

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 1996 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) and I were offering would say 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. Senate 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 own local money for those programs that they deem necessary?

The Congressional Research Service goes just a little bit further. They say that the District of Columbia, 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, for a vote on those referenda that they deem necessary?

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 we are 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 is language that 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 this issue. They wish to be able to do so. They have already filed the action. 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 this 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 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 suit.

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 this 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 restriction on public money 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 that every mayor and every council person in the United States 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 city that has 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 Members are watching the actions on the floor today, they 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 House of Representatives is adopting 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 not American amendments, 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 cities to be what they can be.

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 against all of 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 tell my colleagues 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 referenda, the citizens have decided 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 at this point, 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 do not like this, they 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.

□ 1300

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 Capitols 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 the city a vote on 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 to work in the District of Columbia, we have to nurture it, we have to allow some decisions made to be final. We have to allow the city to make its own decisions and not have every decision they make be questioned by Congress. When we do that, they are not going to make the tough decisions because they know they are going to get overriden 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.

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

Mr. Chairman, this is unlike any of the other amendments that are pending. This amendment deals with the most fundamental right of every American, each and every American, whether they live in the District of Columbia, Maryland, the State of Georgia. Wherever they may live, this deals with the fundamentals of our democracy.

I see the gentleman from Georgia (Mr. BARR) on the floor who argued passionately to uphold the principles of the Constitution of the United States to the President of the United States. Conservatives correctly focus on the rights of minorities against what could be an oppressive government and rule by majority. Liberals correctly focus on the rights of individuals as they may be adversely affected by an oppressive majority.

Mr. Chairman, our Founding Fathers anticipated that problem because they dealt with an oppressive king against whose judgment there was no appeal. So in that most basic document of, really, world government, the Constitution of the United States, I say world government to the extent that all the world looks at it as a model, we guarantee to citizens the right to redress of their grievances through the courts of this land, not because we agree with what they seek, but because we believe it is fundamental to prevent governmental abuse and the denigration of the rights of each and every American. This deals with our most fundamental rights.

Let me say, the chairman says that this was considered last year, was included in the bill. He said that Tuesday night on the floor. But the gentleman from Oklahoma (Mr. ISTOOK) knows full well that this was in a bill of about $400 billion in appropriation, eight appropriation bills.

The President opposed this provision, but clearly could not veto that bill in the last days of our session, as we were about to leave town in October before the election. So he signed, yes, the bill, but not because he agreed with this provision. Very frankly, no Member has debated this provision.

Secondly, he says there was a vote in committee. I was shocked, saddened, chagrined to find every conservative voting with a provision that says to citizens of America, you cannot go to court and use your corporate funds to do so.

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 Oklahoma (Mr. 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 Sophia, 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.

Bucharest in 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 we fought a 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 the 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 largess of some private donor will they be able to seek constitutional relief. Do not do that to them, not because they are the District of Columbia under 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, Oklahoma Americans, but 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 preclude it.

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 dangerous inferences. We do not want 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.

Their 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, which 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 colleageus, think of the facts. 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.

□ 1315

Also, let us allow D.C. a chance to seek redress in the courts, just as our American system indicates.

Mr. Chairman, I want to thank the members of the committee and say to them to please support the Norton amendment.

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

Mr. Chairman, this is an anti-obscenity amendment. What this bill says is

that the District of Columbia cannot use its own funds to sue in the courts of this land for the right to be represented. That is what this bill says, as it presently stands. That provision is an obscenity in a democracy, and any Member of this House who votes to sustain it ought to hang their head in shame.

We all represent at least half a million Americans, and for any Member of this place to have the unmitigated gall to come in here and say that the Americans, the Americans who live in the District of Columbia cannot use their own dollars to pursue the ability to be represented is an outrage.

This amendment should not have a single opponent in this House. This House does not stand for public representation, it does not stand for democracy, it stands for taxation without representation, which we fought a revolution to overturn, if it does not support this amendment. That is all we need to know about it, that is all I need to say about it. Shame on anyone who votes against it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, 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 gentlewoman from the District of Columbia (Ms. NORTON) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. LARGENT

Mr. LARGENT. 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 printed in House Report 106–263 offered by Mr. LARGENT:

Page 65, insert after line 24 the following:

SEC. 167. None of the funds contained in this Act may be used to carry out any joint adoption of a child between individuals who are not related by blood or marriage.

The CHAIRMAN. Pursuant to House Resolution 260, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, I yield myself such time as I may consume, and I wish to begin the debate by reading the actual amendment. It is a short amendment and it is very explicit. It says, ''None of the funds contained in this Act may used to carry out any joint adoption of a child between individuals who are not related by blood or marriage.'' That, Mr. Chairman, very simply, is the amendment.

This 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 misrepresentations of what 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 of Columbia 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 to the court what 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 Smith or is the child a Jones or both? 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. Nothing could be further 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. MORAN 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. MORAN 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 neediness 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 is all about. We are saying we do 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. SHOWS. 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 should not be a selfish act. 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. Let them grow up in a stable environment. The Largent amendment is about taking family relationships and raising children seriously. It is fair and 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 two-parent families rather than families of less conventional description. As a district attorney, my office prosecuted these parents and put some of them in jail.

I also know firsthand, as a trustee of an adoption resource center, that difficult-to-adopt children are placed in adoptive homes with good parents and families that come in all shapes and sizes. Some of the most loving, responsible, and nurturing families I know would fail the litmus test of the gentleman from Oklahoma (Mr. LARGENT). And that would truly be a tragedy for the 3,300 children now languishing in the District's foster care system.

Most of these children in need of adoption are neglected or abused by their biological parents. Many of them are children with special needs, children whose chances of adoption and a chance at life are doubtful even without the restriction that the Largent amendment would impose.

So 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.

□ 1330

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 will produce 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 nurtured and 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 the 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, too. 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 only test we should apply is the one the law already uses to determine whether a child belongs in a particular family situation or not. That test is whether the placement is in the ''best interests'' of the child.

That evaluation requires the careful weighing of a multitude of factors by those with the requisite expertise. We should ask whether the parents have the means to feed and clothe the child and see to its education. We should ask whether they maintain a home that will offer the child a harmonious, stable and nurturing environment. We should ask whether they have the skills and the commitment it takes to be a good parent.

When we find a family that offers all this to a child in need, what kind of society would reject that family because the parents are ''not related by blood or marriage?'' What kind of society would say it is better for the child to be in an institution or on the street?

I believe we should embrace that family, Mr. Chairman, and be thankful that a lost child has been given a second chance in life.

I ask my colleagues to defeat the amendment.

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

Mr. Chairman, I would just 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 is trying to 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 similar in nature was filed in which the couple won. However, our State's Supreme Court overruled 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.

The analysis was done by psychologist Paul Cameron. This is what he said, among other points. He said, ''The children raised in homosexual households experience 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 he said that this supports the Supreme Court's decision.

So I think it is clear to my colleagues that what we are talking about, the real question, is, do we want

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 Congress nor the legislature 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 Secretary 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 mentally ill. 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 stable, cohabiting parents. But once done, over time relationships form. And sometimes those kids want desperately to be adopted by the people 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 who 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.

Mr. LARGENT. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. LARGENT) has 7 minutes remaining. The gentleman from Virginia (Mr. MORAN) has 7½ minutes remaining.

Mr. LARGENT. Mr. Chairman, I yield 2 minutes to 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 anytime adopting. It is just saying, if they are not married 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 a gay person cannot adopt a child. 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 that the child is not 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. MORAN of Virginia. Mr. Chairman, I yield 1¼ 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? I mean, 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 very 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 point 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 in 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.

In fact, 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 that 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.

But here is the point I think we are 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 their 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 prevent here, and the gentleman 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 binds of marriage that has rules of the game and 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 gentlewoman from Maryland (Mrs. MORELLA).

(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 great 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 where they belong, at the local level. Do not lose sight of the thousands of children in foster care who would be deprived of a loving home. Vote ''no'' on the Largent amendment.

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Mr. MORAN of Virginia. Mr. Chairman, I yield 1¾ minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma.

Last month, over 1,000 children in the District of Columbia's foster care system waited for someone, anyone, to take them home. Over 1,000 children, children looking for a stable, secure home.

The sponsor of the amendment during last year's floor debate indicated that he wanted to provide a sense of stability for children, and I believe that is true, that he wants that, and we all do. I think the sponsor has also spoken about the importance of the need for two-parent families.

So which is it? This amendment would allow single parent adoptions, but it disallows joint adoptions in the District of Columbia by persons who are not related by either blood or marriage.

I do not quite understand. The sponsor of this amendment believes it is okay not to have two single people who want to be parents to adopt a child, but it is okay to have a single parent adopt a child. Is there not a bit of a double standard here?

The gentleman from Oklahoma has spoken about not wanting to put children in an ambiguous situation, but what could be more ambiguous than keeping a child in foster care? What could be more ambiguous than keeping them in limbo, never allowing them to be adopted?

We have these children in the District who are waiting to be adopted. I would love to have 1,000 lawfully-married-in-the-eyes-of-whatever-religion couples in the District of Columbia step up and adopt these children. But that is not going to happen. I would love to have 1,000 single people in the District of Columbia decide to become a parent and step up and adopt these children. But that is not going to happen, either.

This amendment would limit the options for adoption to those two scenarios. There are 1,000 children in the District waiting to be adopted, that are looking for caring, loving families. We should not adopt this amendment, we should reject it and allow them to have the option of being adopted.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1½ minutes to the gentlewoman 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 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 offered.

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. Again I just want to remind the body 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 one 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. HASTINGS of Washington). The gentleman from Virginia (Mr. MORAN) has 2 minutes remaining, and the gentleman from Oklahoma (Mr. LARGENT) has 2½ minutes remaining. The gentleman from Virginia has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, for those Members who do not pay much attention to the local news, I 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.''

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 and on local roads, we said, ''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 particular 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 needle exchange or anything else, let us let local government decide. Let us let them be armed with information, statistics and data to decide what is the best policy for their community.

Leave D.C. alone, avoid these amendments, and let us pass the base bill.

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, an appeals judge, said, ''I 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 today, to state 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 by unrelated people, 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 children 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 for the first time, and this is really important, for the first time in the D.C. appropriations 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 she may consume 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 system, and over 1,000 of them are ready 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 do 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 adoptions and lesbian 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 consume 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 by blood, 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 continuity 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 constrain the options for 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 understanding 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 guarantee 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 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. Let me list just some of the benefits to children to have two legally recognized parents:

It guarantees that both parents continue to have ongoing financial responsibility for 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 and other employment-related benefits for the

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 children 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 allows a parent 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 have only lost one parent to a tragic death * * * 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 Largent 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 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 capable of raising them. 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 individual case-by-case evaluations. 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, then an unmarried 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 the residents 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 question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MORAN 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 106–263 offered by Mr. BARR of Georgia:

Page 65, insert after line 24 the following new section:

SEC. 167. 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 schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols 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).

Mr. BARR of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know that some folks will not listen to this, but right off the bat, let me implore those who will be considering and voting on this 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.

If, 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.

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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 for the District of Columbia worrying terribly that the Barr amendment today would prohibit the counting of the ballots of last year's drug initiative. Let me assure the Corporation Counsel that this is not the case.

I have also spoken with the subcommittee chair. He understands that this is not the case and has indicated, if it remains a problem for those on the other side who are not going to listen to this debate, then we will include language, seek to include language, in the conference report.

Now that the red herring that the Barr amendment we are discussing today would somehow prohibit the

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 or any other from legalizing or reducing the penalties for 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, and maintain 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 AZ1, protease 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 do not violate the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4–29; D.C. Code §33 501 et seq.) (controlled Substances Act''), as amended and in so far as they comply with this act, are not subject to criminal prosecution or sanction.

Sec. 4. (a) Use of 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 unpaired or intoxicated, or a crime involving danger to another person or to the public, nor shall such use negate the mens rea for any offense.

(b) Whoever distributes marijuana cultivated, distributed or intended to be distributed or used pursuant to this act to any person not entitled to possess or distribute marijuana under this act shall be guilty of crime and subject to the penalty set forth in section 401 (a)(2)(D) of the Controlled Substances Act (D.C. Code §33–541(a)(2)(0)).

Sec. 5. Notwithstanding any other law, no physician shall be punished, or 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 be permitted to testify before a judge, in camera, Such testimony, when introduced in a public proceeding, if the physician witness so requests, shall have redacted the name of the physician and the court shall maintain the name and identifying characteristics of the physician under seal.

Sec. 6. (a) Any District law prohibiting the possession of marijuana or cultivation of marijuana shall not apply to a medical patient, or to a medical patient's primary caregivers, when a medical patient or primary caregiver possesses or cultivates marijuana for the medical purposes of the patient upon the written or oral recommendation of a licensed physician. The exemption for 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 protected by the act shall have access to a sufficient quantity of marijuana to assure that they can maintain their medical supply without any interruption in their treatment or depletion of their medical supply of marijuana.

(b) The prohibition in the Controlled Substances Act against the manufacture, distribution, cultivation, or possession with intent to manufacture, distribute, or cultivate, or against possession, of marijuana shall not apply to a nonprofit 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 a 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, the term ''best friend means a close Friend, who is feeding, nursing, bathing, or otherwise caring for the medical patient while the medical patient is in a weakened condition.

Sec. 8. Residents 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's nonprofit corporation laws. Fees and licenses shall be collected by the Department of Consumer and regulatory Affairs (''DCRA'') in the same manner as other not-for-profit 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.

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 a parent or legal guardian of the minor has signed a written statement that such parent or legal guardian understands: (i) the medical condition of the minor, (ii) the potential benefits and the potential advese 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.

Sec. 10. (a) The Director of the Department of Health of the District of Columbia must develop a plan and submit it, within 90 days of the approval of this act to the Council of the District of Columbia to provide for the safe and affordable distribution of marijuana to all patients enrolled in Medicaid or a Ryan White CARE Act funded program who are in medical need, who desire to add marijuana to their health care regimen and whose licensed physician reasonably believes that marijuana would be beneficial to their patient.

(b) Within 30 days of the certification of the passage of this act by the people of the District of Columbia, the Mayor of the District of Columbia shall deliver a copy 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.

Sec. 11. If any provision of this measusre or the application thereof to my person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are 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, I 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 debilitation of any individual human being, but that is not the issue we are arguing. The issue we began arguing is whether the District of Columbia can count the ballots in a referenda that inquired as to whether people would support the ability of doctors to prescribe marijuana for their patients who are terminally ill, generally of AIDS, so as to relieve their suffering. Again, my colleagues would think that that should be a professional decision made by professional medical practitioners.

Now up until now, Mr. BARR's intent was to prevent the votes being totaled. That prevented about $1.30 apparently from being spent to itemize the ballots. 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 are 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 our 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 the wildest interpretation of its 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 yielding this time to me.

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 in the United States?'' If in our Nation's capital, we are going to relax our drug laws and allow the back-door legalization of marijuana in our Nation's capital, a violation of federal law, then we should not be here, we should not be doing the drug surveys.

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, that this is like saying that a subcomponent of arsenic can be helpful to somebody, 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 tobacco and alcohol to the heroin, to 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 who 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 referendums are, in fact, being 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. So it was not 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 Congress in its history. 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 defend.

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.

So 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 some of the sentencing. They 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 mandatories?

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 referenda the voters disappoint my friends over there.

Then we 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 funded in an entirely different appropriations bill. This amendment here has nothing whatsoever to do with the power of U.S. attorneys to continue to prosecute cases. The judges do 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 using marijuana for medicinal purposes and medical because they could always find some doctor from the hippy generation of the 1960s or 1970s that would prescribe just to basically get around the law. They have had tremendous problems 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 Columbines and those kinds of things. I think to back off 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 cannot wait. He wants to strike down a local initiative before it is enacted and even without knowing that it will be enacted. Even if a medical marijuana initiative passes, it could not move forward without legislation by the city council.

The poor wording of this amendment will lead to consequences that even the gentleman from Georgia (Mr. BARR) did not intend. The phrase: Otherwise reduce penalties associated with drug use is so overbroad it will produce challenges against what courts and prosecutors do every day. If we cannot 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.

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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 drug which can help them deal 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 medicinal 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 many 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 matter of this debate. If one reads, 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 anything. 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 a demonstrated 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 go 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 I, 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. GILMAN. Mr. Chairman, I rise in strong support of the Barr amendment.

Mr. Chairman, I rise today in strong support of the Barr amendment to the FY 2000 District of Columbia appropriations bill. This amendment would prohibit the use of funds in the bill to legalize or reduce penalties for the possession, use, or distribution of any schedule I substance, including marijuana, under the Controlled Substances Act.

In recent years, the issue of promoting so called ''medicinal'' uses for marijuana has taken hold in several states. In 1996, both California and Arizona voters passed referendums, in defiance of federal law, which permitted the use of marijuana as a medical device, primarily pain relief.

Mr. Chairman, the number of adolescents who have used marijuana has doubled since 1993. It has been well established that marijuana is a gateway drug, whose use often leads to more serious drug consumption, such as heroin and cocaine use. These trends need to be reversed.

The proponents of a policy supporting the medicinal use of marijuana are simply using the issue as cover for the larger issue of drug legalization.

We must not be seen as sending mixed and confusing messages on illicit drug use to our young people. Illicit drugs are simply wrong, our country knows all to well that drugs are destructive, dangerous and deadly, nothing more, nothing less.

In their zeal to decriminalize the use of illicit substances, supporters of legalization fail to mention the consequences which would result from such a move.

Drug use is destructive behavior with consequences affecting far more than the individual in question. To pretend otherwise is to deny reality and embrace a seductive illusion that only leads to despair and hopelessness.

I urge my colleagues to strongly support this amendment.

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 cast their ballots on whether the local law should permit the medical use of marijuana. Those ballots sit uncounted and uncertified because the Barr amendment.

The cost of the District using its own funds to count and certify the results is literally a few dollars, but the Barr amendment has forced the Federal Government to incur substantial litigation costs defending last year's decision against letting the voters be heard on a local issue. This is absurd and this amendment should be rejected on its face. Why are some in this Congress so intent on impeding the democratic process in the District of Columbia?

Mr. Chairman, this amendment would bar the government of the District from using any federal funds to assist any medical marijuana program. That is what this amendment is about. In addition, because the amendment would bar the District from using local funds to ''enact or carry out any law, rule or regulation'' that reduces penalties for any Schedule I substance or THC derivative, this will threaten existing programs like the availability of Marinol, a THC derivative, which is used to treat patients suffering with HIV/AIDS.

Mr. Chairman, the citizens of the District have spoken and have decided that marijuana should be used for medicinal purposes. This is another attempt by the gentleman from Georgia to interfere with District citizens, who are, after all, only exercising one of the few democratic rights that Congress has allowed them—the right to vote on initiatives and referenda.

Mr. Chairman, medical studies demonstrate that in some cases marijuana has proven effective in treating pain and discomfort for patients, especially those that are undergoing chemotherapy. The medical use of marijuana is a public health issue; it is not part of the war on drugs. Once again, marijuana has been proven to relieve the pain and suffering of seriously ill patients. It is unconscionable to deny an effective medication to those in need.

Mr. Chairman, I would like to point out for the record that former Speaker Gingrich and the distinguished chairman of our own Crime Subcommittee once agreed with medicinal use of marijuana. in 1981, Representative Newt Gingrich and Representative BILL MCCOLLUM, cosponsored H.R. 4498, a bill introduced by the late Congressman Stuart McKinney, that would have allowed the medicinal use of marijuana. In 1985, Chairman MCCOLLUM again cosponsored H.R. 2282, a bill reintroduced by Congresswoman MCKINNEY, which would have allowed the medicinal use of marijuana. I, along with many others, would be very interested to learn why our colleagues changed their minds.

Mr. Chairman, many states have held state referenda on the use of medical marijuana. Two states, California and Arizona, have successfully passed legislation to allow the prescribed use of marijuana for medicinal purposes. The voters of these states have spoken and in our democratic system they must be respected.

Mr. Chairman, although the Congress exercises oversight over the District, we should not micromanage it. We should trust the citizens of the District and their elected officials to manage and implement policies that benefit the District and its residents.

Finally, Mr. Chairman, permitting the medical use of marijuana to alleviate the pain and suffering of people with seriously ill conditions does not send the wrong message to children or anyone else. It simply states that we are compassionate and intelligent enough to respect the rights of patients and the medical community to administer what is medically appropriate care. It is time for this Congress to acknowledge that a ban on the medicinal use of marijuana is scientifically, legally, and morally wrong.

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

The amendment seeks to nullify the results of a popular local initiative by congressional fiat. So much for ''federalism'' and ''states' rights.'' So much for ''local self-determination.''

And so much for common sense. But then, whenever marijuana is involved, some of our colleagues seem to take leave of their senses altogether.

When the citizens of California and Arizona 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 morphine and even cocaine—which 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 might wish to use these drugs 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 uncontrollable 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:

Page 65, insert after line 24 the following new section:

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 is in 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 Department of Fire and Emergency Medical Services of the District of Columbia from using funds for automatic external defibrillators.

This amendment, Mr. Chairman, seeks to highlight how invaluable AEDs are to use 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 argument 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 of course are at airports, county jails, shopping malls, sports stadiums, and of course golf courses. I believe we would all 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. They are 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 I 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.

POINT OF ORDER

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK) on a point of order.

Mr. ISTOOK. Mr. Chairman, it is my understanding that the gentleman from Florida (Mr. STEARNS) desires to withdraw his 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 withdrawal 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 so 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 chairman 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. Chandra 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 under review 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. Department of Motor Vehicles inspectors passed the vehicle just weeks before.

□ 1430

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 grand jury. Like any parents in this situation, the Smiths assumed that the case would result in a clear-cut conviction. But without the car and the measurements, the accident was impossible to reconstruct.

In its response to the lapses in the Smith case, the District's police actions were completely inadequate. The lead detective, who clearly failed to perform even the most basic functions

of an accident investigator, was demoted and reassigned. His supervisors, who had allowed this detective to investigate the crash site, were reprimanded for their poor oversight of the detective.

What came to light after this case is even more shocking, that the lead detective had performed so poorly that 14 of his cases had been reassigned to other detectives because of his ineptitude in investigating accident scenes. The District police had long known this detective was not carrying out the basic functions of an accident investigator, such as interviewing key witnesses, taking blood samples, photographing crime scenes, and preserving evidence.

After learning of the Department's lapses in January 1999, Chandra's parents 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 detailed pictures of the car that the insurance 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 daughters's life. Due to the original handling of this case, these parents are left searching for answers that may never be resolved.

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 tolerated.

As we consider the funding levels for the District of Columbia for fiscal year 2000, I want to urge all of my colleagues and particularly the members of the committee to consider this case and the implications for our constituents who may be affected by the inaction and incompetence in this instance by the District Police Department.

I also urge Police Chief Charles Ramsey, who has acted with compassion 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 were completely unacceptable. 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 Columbia and the citizens of the United States.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). A few minutes 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 remarks of the gentleman from Texas (Mr. BENTSEN), and although I have no personal familiarity with the circumstances he relates, I certainly share his concern about the proper enforcement of laws and the proper procedures 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 gentleman that in the bill we have provided $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 accumulated problems regarding the police department that I know Chief Ramsey wants to aggressively correct.

So I appreciate the gentleman's comments, and I certainly hope that the Citizen Complaint Review Board will be of assistance to him.

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 certainly 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 state, 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 Federal Government.

I expect, based upon past votes, that the House would reject that amendment and continue the prohibition, but I did want to note for the RECORD that I have initiated the conversation with the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman 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 consider having limited availability of local funds only for future litigation expenses in their discretion.

I intend to address that with the conferees, 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 initiatives in this piece of legislation: the drug testing and treatment for the 30,000 offenders who are widescale violating 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 approval of the management reforms by the District; the charter school assistance and strengthening within the District; and certainly approving the District's tax cut, which they have taken as a bold step in further improving the economic status of the District and everybody who resides here.

Regardless of the vote on the amendments, I certainly intend to support the work of this House on the final bill. Regardless of how other Members may vote on 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 between the Federal Government 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. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the remarks 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 committee, both Democrats and Republicans 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 said that no 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 accounts, is the worst in the Nation, if that language 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 gentleman 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 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 despite the fact that they would 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, a pure 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 minority staff person for D.C. appropriations.

I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), who has been here throughout the entire bill, who has done an excellent job of representing her constituents. That is really what this is all about. We really would like to defer to her constituents, who have the right to elect their own representatives, and would seem to have the right to spend their own money.

We talk a lot about Federalism, we talk a lot about devolvement to States and localities. This is a good opportunity to show that our money is where our mouth is; that we believe in our rhetoric, we believe in the principle of self-representation, we believe that this Congress should not be overriding the normal rules of the House, imposing restrictions on the use of local and private funds within the District, imposing restrictions upon the prerogatives of the domestic courts in the District of Columbia.

That principle will be sustained if we defeat the two amendments and enable all the Members of this House to support the D.C. appropriations bill, and enable the White House to sign it.

Mr. Chairman, as I say, I urge a no vote on the amendments. If they are defeated, then we could urge a yes vote on the underlying bill.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. ISTOOK. Mr. Chairman, I appreciate the comments of the ranking member.

One thing I think we need to make sure is mentioned is the D.C. tuition aid grant program, $17 million that we fund in this bill to enable young people in the District to achieve a college education. A vote against the bill, of course, would be a vote against that, as well as the other things, such as the drug treatment programs.

Mr. Chairman, I would submit, frankly, that when we have a bill that is funding $25 million for drug testing and treatment, and a bill that is funding $8.5 million to encourage adoption, it is not unreasonable to expect that we do not want mixed messages by saying, well, let us have a needle exchange program that could interfere with that, or let us not make sure that adopting parents are related by blood or marriage.

I doubt, Mr. Chairman, that the President would be so extreme as to veto this excellent bill because he did not like a couple of those provisions, especially seeing that he signed one into law last year.

□ 1445

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to strike the requisite number or words.

The CHAIRMAN. Without objection, the gentleman from Virginia is recognized.

There was no objection.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thought I had understood it was protocol for the chairman to have the last word. Now, if the gentleman from Virginia insists upon having the last word, certainly I will not interfere with his desire to do so.

Mr. MORAN of Virginia. Mr. Chairman, I suggest to the gentleman from Oklahoma I will speak and then yield to him to have the last word.

Mr. ISTOOK. That is fine.

Mr. MORAN of Virginia. Mr. Chairman, let me just say that, first of all, I neglected particularly to thank Mr. Americo ''Migo'' Miconi who was just superb on this bill. When I was thanking everybody, it was not sufficient to thank the members of the Committee on Appropriations staff without mentioning him particularly, specifically. He has some excellent people working with him as well, and we appreciate their fine work.

Again, not only did we not mention the $17 million for the in-State tuition program, terrific idea, the $8.5 million for adoptions, the money for charter school, the money for offender supervision, I could go on and on and on, great things, plus supporting the consensus budget.

That is why we particularly hope that these two amendments can be defeated and we can support the underlying bill.

Mr. Chairman, I yield to the gentleman from Oklahoma (Chairman ISTOOK) to conclude.

Mr. ISTOOK. Mr. Chairman, I have no further comments except my word of appreciation for the ranking member, the great people, Mr. Miconi, Mr. Albaugh, Mr. Monteiro, all the people who have worked on this bill.

The CHAIRMAN. Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 260, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 printed in House Report 106–263 offered by the gentleman from Kansas (Mr. TIAHRT), Amendment No. 2 printed in the CONGRESSIONAL RECORD offered by the gentlewoman from the District of Columbia (Ms. NORTON), amendment No. 2 printed in House Report 106–263 offered by the gentleman from Oklahoma (Mr. LARGENT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 printed in House Report 106–263, offered by the gentleman from Kansas (Mr. TIAHRT) 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—ayes 241, noes 187, not voting 6, as follows:

[Roll No. 344]

AYES—241

Aderholt	Bilirakis	Chabot
Archer	Bliley	Chambliss
Armey	Blunt	Chenoweth
Bachus	Boehner	Clement
Baker	Bono	Coble
Ballenger	Boswell	Coburn
Barcia	Brady (TX)	Collins
Barr	Bryant	Combest
Barrett (NE)	Burr	Cook
Bartlett	Burton	Costello
Barton	Buyer	Cox
Bass	Callahan	Cramer
Bateman	Calvert	Crane
Bereuter	Camp	Cubin
Biggert	Canady	Cunningham
Bilbray	Cannon	Danner

Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Miller, George
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—187

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—6

Johnson, Sam
Jones (OH)
McDermott
Peterson (PA)
Skelton
Sununu

□ 1507

Mr. TIERNEY and Mr. STUPAK changed their vote from ''aye'' to ''no.''

Messrs. DOOLITTLE, DICKEY, VISCLOSKY, GEORGE MILLER of California, BARTLETT of Maryland, and WISE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 260, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 printed in the Congressional RECORD offered by the gentlewoman from the District of Columbia (Ms. NORTON) 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—ayes 214, noes 214, not voting 5, as follows:

[Roll No. 345]

AYES—214

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde

Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—5

Jones (OH)
McDermott
Peterson (PA)
Skelton
Sununu

☐ 1518

Messrs. PACKARD, SOUDER, and COBURN changed their vote from ''aye'' to ''no.''

Messrs. SWEENEY, GORDON, JOHN, and MCINTYRE changed their 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—ayes 213, noes 215, not voting 5, as follows:

[Roll No. 346]

AYES—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lazio
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wu
Wynn

NOT VOTING—5

Jones (OH)
McDermott
Peterson (PA)
Skelton
Sununu

☐ 1526

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.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) 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 engrossment 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—yeas 333, nays 92, not voting 9, as follows:

[Roll No. 347]

YEAS—333

Abercrombie	Fletcher	McCarthy (NY)
Ackerman	Foley	McCollum
Aderholt	Forbes	McCrery
Allen	Ford	McGovern
Andrews	Fowler	McHugh
Armey	Frank (MA)	McIntosh
Bachus	Franks (NJ)	McKeon
Baird	Frelinghuysen	McNulty
Baker	Frost	Meehan
Baldacci	Gallegly	Meek (FL)
Baldwin	Ganske	Menendez
Barcia	Gejdenson	Miller (FL)
Barrett (NE)	Gekas	Miller, Gary
Barton	Gibbons	Miller, George
Bass	Gilchrest	Minge
Bateman	Gillmor	Mink
Becerra	Gilman	Moakley
Bentsen	Gonzalez	Mollohan
Bereuter	Gordon	Moore
Berkley	Goss	Moran (VA)
Berman	Granger	Morella
Berry	Green (WI)	Murtha
Biggert	Gutierrez	Myrick
Bilbray	Gutknecht	Napolitano
Bilirakis	Hall (OH)	Neal
Bishop	Hansen	Nethercutt
Bliley	Hastert	Ney
Blumenauer	Hastings (FL)	Northup
Blunt	Hastings (WA)	Norwood
Boehlert	Hayes	Nussle
Boehner	Hill (IN)	Oberstar
Bonilla	Hilleary	Ortiz
Bonior	Hilliard	Ose
Bono	Hinojosa	Owens
Borski	Hobson	Oxley
Boswell	Hoeffel	Packard
Boucher	Hoekstra	Pallone
Boyd	Holden	Pascrell
Brady (PA)	Holt	Pease
Brady (TX)	Hooley	Pelosi
Brown (FL)	Horn	Pitts
Bryant	Hostettler	Pombo
Burr	Houghton	Pomeroy
Callahan	Hoyer	Porter
Calvert	Hulshof	Portman
Camp	Hunter	Price (NC)
Canady	Hutchinson	Pryce (OH)
Cannon	Hyde	Quinn
Capps	Inslee	Radanovich
Capuano	Isakson	Rahall
Cardin	Istook	Ramstad
Carson	Jackson-Lee (TX)	Rangel
Castle	Jefferson	Regula
Chambliss	Jenkins	Reyes
Chenoweth	John	Reynolds
Clayton	Johnson (CT)	Rivers
Clement	Johnson, E. B.	Rodriguez
Coburn	Johnson, Sam	Rogan
Collins	Jones (NC)	Rogers
Cook	Kanjorski	Rohrabacher
Cooksey	Kaptur	Ros-Lehtinen
Cox	Kasich	Rothman
Coyne	Kelly	Roybal-Allard
Cramer	Kennedy	Ryan (WI)
Crane	Kildee	Ryun (KS)
Crowley	Kind (WI)	Sabo
Cubin	King (NY)	Sanchez
Cunningham	Kingston	Sanders
Danner	Klink	Sandlin
Davis (FL)	Knollenberg	Sawyer
Davis (VA)	Kolbe	Saxton
Deal	Kuykendall	Scarborough
DeGette	LaFalce	Schakowsky
Delahunt	LaHood	Scott
DeLauro	Lampson	Serrano
DeLay	Lantos	Shadegg
DeMint	Larson	Shaw
Deutsch	Latham	Shays
Diaz-Balart	LaTourette	Sherwood
Dickey	Lazio	Shimkus
Dooley	Leach	Shows
Doolittle	Levin	Shuster
Doyle	Lewis (CA)	Simpson
Dunn	Lewis (KY)	Sisisky
Edwards	Linder	Skeen
Ehlers	LoBiondo	Smith (MI)
Ehrlich	Lowey	Smith (NJ)
Emerson	Lucas (KY)	Smith (TX)
Engel	Luther	Smith (WA)
English	Maloney (NY)	Snyder
Eshoo	Manzullo	Souder
Etheridge	Markey	Spence
Evans	Martinez	Spratt
Ewing	Mascara	Stabenow
Farr	Matsui	Stark
Fattah	McCarthy (MO)	Stupak
Sununu	Turner	Weldon (PA)
Sweeney	Udall (CO)	Weller
Talent	Udall (NM)	Wexler
Tanner	Upton	Weygand
Tauscher	Velazquez	Whitfield
Tauzin	Vento	Wicker
Terry	Visclosky	Wilson
Thomas	Vitter	Wise
Thompson (CA)	Walden	Wolf
Thornberry	Walsh	Woolsey
Thune	Wamp	Wu
Thurman	Watt (NC)	Wynn
Tiahrt	Watts (OK)	Young (AK)
Tierney	Waxman	Young (FL)
Toomey	Weiner	
Traficant	Weldon (FL)	

NAYS—92

Archer	Green (TX)	Pastor
Barr	Hall (TX)	Paul
Barrett (WI)	Hayworth	Payne
Bartlett	Hefley	Peterson (MN)
Blagojevich	Herger	Petri
Brown (OH)	Hill (MT)	Phelps
Burton	Hinchey	Pickering
Buyer	Jackson (IL)	Pickett
Campbell	Kilpatrick	Riley
Chabot	Kleczka	Roemer
Clyburn	Kucinich	Roukema
Coble	LaHood	Royce
Combest	Largent	Rush
Condit	Lee	Salmon
Conyers	Lewis (GA)	Sanford
Costello	Lipinski	Schaffer
Cummings	Lofgren	Sensenbrenner
Davis (IL)	Lucas (OK)	Sessions
DeFazio	Maloney (CT)	Sherman
Dicks	McInnis	Slaughter
Dingell	McIntyre	Stearns
Dixon	McKinney	Stenholm
Doggett	Meeks (NY)	Strickland
Duncan	Metcalf	Stump
Everett	Mica	Tancredo
Filner	Millender-McDonald	Taylor (MS)
Fossella	Moran (KS)	Taylor (NC)
Gephardt	Nadler	Thompson (MS)
Goode	Obey	Towns
Goodlatte	Olver	Waters
Goodling		Watkins

NOT VOTING—9

Ballenger	Graham	McDermott
Clay	Greenwood	Peterson (PA)
Dreier	Jones (OH)	Skelton

☐ 1545

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1545

PROVIDING FOR CONSIDERATION OF H.R. 2606, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

Mr. DIAZ-BALART. Mr. Speaker, 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

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2606) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member 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 2 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 printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

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 appropriations bill for fiscal year 2000. The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

In addition, the rule provides the bill be open to amendment by paragraph. The rule also waives points of order against provisions in the bill for failing to comply with clause 2 of rule XXI. The rule provides that before consideration of any other amendment it shall be in order to consider the amendments printed in part A of the Committee on Rules report only in the order printed in the report.