

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New York.

#### PUBLIC SAFETY INFRASTRUCTURE

Mrs. CLINTON. Mr. President, I rise today to bring to our attention two distinct problems facing our States and particularly our communities in New York as a result of the attacks on September 11. I have just come from a meeting with a number of mayors from cities all over the country, including mayors who joined us by conference phone, Democrats, Republicans, large cities, medium- and small-sized cities. They all have said with a single voice that the impact on our public safety infrastructure of the attacks is such that they are bleeding dollars. They are paying overtime constantly to our police officers, our firefighters, our first responders. They do not have the funds to provide the protection and the quick response our citizens deserve and expect.

I can speak specifically about New York. We have an economic situation where we face a \$10 billion shortfall in State revenues over the next 18 months. In addition, our New York State comptroller, Carl McCall, has identified \$940 million in potential State and local government costs due to the current congruence of events.

This means that city governments, county governments, far away from Ground Zero, are faced with hundreds of calls about potential biological or chemical materials, particularly anthrax, to which they are responding as we expect them to. They are faced with threats coming in—both credible and, frankly, not, but we have to follow each one up—potential threats to our infrastructure, our powerplants, our bridges, our ports, our airports.

As a result, we have a tremendous pressure buildup on our local governments. As I heard today, it is something that is being faced by governments across our country. That is why I strongly support the plan with which Senators BYRD and REID are coming forward, to provide additional funding for public safety needs. I am calling on our colleagues and the Federal Government to create a public safety block grant program to help communities plan, strictly for our emergencies, and to be ready no matter what happens in their communities.

Why is a public safety block grant so necessary?

First, September 11 changed everything. Anybody who wants to pretend it didn't is sending a false message to the people we represent. Our cities and our counties are on the front lines in the war against terrorism. When a threat is called in to our local fire department or our local mayor's office, they cannot wait for some kind of Federal response. They have to send out those first responders. They are on a heightened state of alert as they have

been told by our President, by Governor Ridge, and by Attorney General Ashcroft. A public safety block grant would help our communities provide these additional resources for police, fire, ambulance, emergency, airports, waterways, public transit infrastructure, chemical, and nuclear plants.

I think we should reinvigorate the concept of civil defense, using more volunteers to supplement our first line responders. Some of our colleagues, including Senators MCCAIN, BAYH, and LIEBERMAN, have recently spoken out about the importance of encouraging Americans to become involved in civil defense. I believe a public safety block grant could use funds to further that idea and help us prepare better and involve so many of the citizens who want to participate in protecting our homeland front. If we are at war, which we are told we are, which we believe we are—we are fighting two wars. We are fighting a war abroad in Afghanistan against the terrorist networks, and we are fighting a war right here at home, and we need to be prepared on both fronts.

The eligibility criteria would be based on several factors. Certainly, communities would have to be ready to use those funds for post-September 11 needs, not because they didn't budget well before the date of the attacks but because of the additional burdens they now face.

I believe medium- and larger-sized cities and counties should receive direct assistance. Smaller communities could go through the State, based on the CDBG program. I hope communities would have to submit a plan explaining how they would use the funds, but that they would be given broad discretion because they are best able to defend their own communities. They should be given that opportunity.

I think we need this legislation now because our homeland defense will only be as strong as the weakest link at the State and local level. We need our citizens more involved in civil defense to supplement those of our people on the front line in the uniformed services. I think we recognize this now is an absolute necessity. I certainly support the efforts of Senator BYRD and Senator REID, combined with Senator BAUCUS, to have a homeland recovery and security package, but I do not think it will work unless we provide funds directly to our cities and counties, unless we recognize that they have to be the front line defense in the war against terrorism here at home.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized to offer an amendment on which there shall be 60 minutes of debate.

Ms. LANDRIEU. Will the Senator yield for just 1 minute for opening remarks from the manager of the bill?

Mr. ALLEN. Certainly.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Virginia for yielding.

Let me quickly support my colleague from New York in her remarks about how important it is for us, as we fashion homeland defense, to be cognizant, as Mayor Giuliani beautifully showed us, so that the mayors and local officials are really on the front line. Our Federal Government needs to recognize the great role they have played and can play. Our budget should reflect the principle of getting those resources down to the lower level. I thank the Senator from New York for her very instructive remarks to us this morning.

Let me, as I begin again this morning on the DC bill, very briefly—within 1 minute—just hit the highlights of the bill before we turn to the three or four amendments we may be considering today, with that of Senator ALLEN being the first one up for us to consider.

First, there is great consensus in this underlying bill. Again, I thank my colleague from Ohio, Senator DEWINE, for his excellent work. We thank Mr. BYRD, the Senator from West Virginia, and the Senator from Alaska, Mr. STEVENS, for helping us get this bill to the floor, working across party lines and in a very dedicated way to bring a good bill to this floor.

The five points in this bill are:

No. 1, this is the first bill over \$7 billion that comes to the floor in 5 years without the Control Board being in effect. So there is great responsibility that we have to make sure this and future budgets reflect the fiscal discipline that is now a part—and hopefully will be even a stronger part—of the District's future. The budget is not only in balance but the District is in a surplus, having swung \$1 billion from a deficit now to a surplus. We would like to keep it that way.

There are going to be great challenges ahead, but Senator DEWINE and I are committed to fiscal discipline, transparency, accountability, and excellence in management for the District.

No. 2, there is an underlying principle—we will debate some of that this morning—about local decisionmaking. We believe generally local governments should be allowed to spend their money and local funds in the ways they are directed. There is some debate about that issue. That debate will take place this morning.

No. 3, there is a significant investment in child welfare. I want to say on behalf of Senator DEWINE and myself and many of the Members who helped, we are investing \$40 million in new moneys to set up a better child welfare system in the District. Too many children have died. There are too many families torn asunder. There are too many children without parents, too many parents without children who

cannot be found. This investment will help the courts work better and help us to put our money where our mouth is and invest in kids.

No. 4, there is a \$16 million increase for security in the District. After September 11, it is obvious the District itself is a target, hosting the Capitol of these great United States. So we have recognized that.

Finally, there is an investment in the environment and in education.

AMENDMENT NO. 2109

Ms. LANDRIEU. I send a managers' amendment to the desk and ask unanimous consent it be approved. This is strictly a technical amendment. Any controversial issues have been removed; they are not included. It has been cleared on both sides.

I send the amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. DEWINE, proposes an amendment numbered 2109.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The amendment is as follows:

On page 6, line 25, insert the following after "inserting '1,100':"

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4-515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking "in excess of \$250,000"; and  
(2) by striking "and approved by" and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after "Agency," insert the following: "the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region".

Page 12, line 7, after "and" and before "state" insert the following: "the respective".

Page 12, line 8, after "emergency" and before "plan" insert: "operations".

Page 13, line 14, strike "\$500,000" and insert: "\$250,000".

Page 13, line 15, strike "McKinley Technical High School" and insert the following: "Southeastern University".

Page 13, line 16, strike "Southeastern University" and insert the following: "McKinley Technical High School".

Page 13, line 14, insert after "students;" "\$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;".

Page 16, line 3, strike "U.S. Soccer Foundation, to be used" and insert: "Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds".

Page 17, line 18, insert after "families" the following: "and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia".

Page 18, line 8, after "provided," and before "That" insert the following: "That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided*."

Page 34, line 4, District of Columbia Funds—Public Works, insert after "available": "*Provided*, That \$1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002."

Page 37, line 4, insert the following after "service": "Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the "District of Columbia Emergency Assistance Act of 2001": *Provided*, That the District of Columbia shall use local funds for any payments under this heading: *Provided further*, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia."

Page 63, line 8, after "expended," insert the following new subsection:

"(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended."

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00-97, Act of 2001 (D.C. Act 14-106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, please, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. At this time the Senator from Virginia should be recognized, according to the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 2107

Mr. ALLEN. Mr. President I call up amendment No. 2107.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 2107.

Mr. ALLEN. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia)

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) 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.

(b) Any individual or entity who received any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

Mr. ALLEN. Mr. President, I rise today to ask my colleagues in the Senate to take a stand, a strong stand, against illegal drug use by rejecting a provision in the District of Columbia appropriations bill that would allow the use of taxpayer funds for a needle exchange program.

My amendment mirrors the section of the House bill that addresses the needle exchange programs and would prohibit both the use of Federal and locally generated funds for these needle exchange programs. I think it is wrong and it is a misguided priority for the District of Columbia, with all their priorities and pressing concerns in the District—whether they be in improving their public schools or improving public safety—to be wasting money. In fact, I don't think they ought to waste a penny in providing drug users with sterile needles or syringes.

As you know, Mr. President, the Constitution provides the Congress the authority to exercise exclusive jurisdiction in all cases dealing with the District of Columbia. We have oversight responsibilities. The Federal District of Columbia is properly and constitutionally subject to more oversight from the Congress than would be any of the 50 States. This is evidenced by the fact that both the House and Senate have authorizing subcommittees specifically addressing the District of Columbia. Thus, we, as Members of the Senate, have not only a right but also a constitutional oversight responsibility to stop this legislation which would obviously be detrimental to the public good.

That is the bottom line here. When there is something that is clearly detrimental to the public good in the District of Columbia, we have an oversight responsibility. While the vast majority of matters have to do with local jurisdiction—schools and traffic signals—various other issues, management is best at that local level—although we would like to empower them in some cases to do more—but insofar as the needle exchange network is concerned, these needle exchange networks are bad for the communities in which they are located.

In November of 1995, the Manhattan Lower East Side Community Board passed a resolution to terminate their needle exchange program. You may wonder why they stopped it. They said:

The community has been inundated with drug dealers. Lawful businesses are being abandoned, and much needed law enforcement is being withheld by the police.

Why would we want that to happen in our Nation's Capital? The U.S. Senate could through this appropriations bill,

if this amendment is not adopted and the conference committee leaves it in, allow the District of Columbia, our Nation's beloved capital, to use taxpayer funds to buy clean needles for drug addicts. However, prior experience with these needle exchange programs not only fails to demonstrate positive results among drug addicts, but it may actually result in negative results. That is right, negative results.

Deaths resulting from drug overdoses have increased five times since 1988. According to a White House report, in 1997 15,973 people died from drug-induced causes. That is 1,130 more people than in 1996. The highest death rate from illegal use was among African Americans at 8.3 deaths per 100,000 people.

Additionally, according to Alcoholism and Drug Abuse Weekly, the number of American teenagers using heroin has doubled in most recent years. Indeed, when one thinks of heroin, you think of heroin being used by folks in their late 20s and 30s. The biggest increase in the use of heroin is among teenagers. In fact, the average age of heroin users nationally is now lower among teenagers.

That is very frightening.

An AIDS Journal study indicated that Vancouver, the site of one of these needle exchange programs, now has the highest rate of heroin deaths in North America.

It seems to me that giving a drug addict a clean needle is like giving an alcoholic a clean flask. It just doesn't make any sense.

Some would claim that needle exchange programs prevent the spread of AIDS amongst intravenous drug users and are, therefore, important in addressing the AIDS problem.

The Clinton administration attempted to lift the ongoing ban on Federal funds for needle exchange programs as a solution to reducing the rate of HIV infection among intravenous or IV drug users without increasing the use of drugs such as heroin. While clean needles do not contribute to the spread of HIV, there is scant evidence, scientific or anecdotal, that needle exchanges protect users.

A Montreal study published in the American Journal of Epidemiology in 1997 showed that addicts who used needle exchange programs were twice as likely to become infected with HIV than those who did not.

The New York Times magazine reported that one New York City program gave a single individual 60 syringes, a pamphlet with instructions on using them, and a identification card that allows them to legally possess drug paraphernalia. Indeed, drug addicts use these programs not only for fresh paraphernalia but also to network among other drug addicts for fresh supplies of the drug itself.

It may be more accurate to call the drug needle exchange programs what they are: drug exchange networks.

We are at a time in history when more Americans are ruining or losing

their lives to illegal drug use. When the highest death rate from illegal drug use occurs in African American communities, and when heroin and cocaine are at some of their lowest prices in history, I maintain that we should not vote to encourage the government to give away the tools that enable people to promote drug use and, therefore, harm themselves. Indeed, it is not just harming themselves. Drug use is the key component in crime.

Ask any prosecutor, law enforcement officer, or, in fact, any judge who deals with criminal cases, and you will find that the vast majority of criminal cases are related to drug use. Someone may be under the influence of drugs when they assault or rape someone, and when they are breaking and entering, armed robberies, or other thefts and stealing of property to pay for that addiction. You will find, I maintain, that the vast majority of crimes are drug-related one way or the other.

I believe that in a time when all of these negative trends seem to be on the rise that the endorsement or condoning of a needle exchange network by the U.S. Senate sends the wrong message about our Government's commitment to fighting drugs and, thus, undermines our efforts to prevent drug use and eliminate the illegal drug trade.

According to former President Clinton's drug czar, General Barry McCaffery:

The problem is not dirty needles. The problem is heroin addiction. The focus should be on bringing help to the suffering population, not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

We have a legal responsibility to keep these harmful networks from becoming a reality in the District of Columbia. Allowing it in the District of Columbia would send a very poor message to those ravaged by drug addiction—that AIDS is a terrible disease that can be maintained, yet it is OK to die from the effects of drug addiction.

Additionally, the Government would be sending a weak message to those who would want to make a profit from illegal drug trade: Drugs are illegal, yet the United States Government condones needle exchange networks which issue identification cards that entitle users to carry drug paraphernalia without interference from the law.

Finally, it would send a dangerous message to our youth. It seems to me that we all know that drugs are harmful. We don't want to send a message to our youngsters that the Federal Government supports providing needles and syringes for drug delivery and brochures explaining the most efficient means of injection.

It is imperative that the Senate stand strong against illegal drug use. We must not allow Federal funds to go toward programs supplying individuals already struggling with addiction with drug paraphernalia. We must not directly or indirectly endorse needle exchange networks.

I ask my fellow Senators to join me in this effort and not give up on this war on drugs as we take on another war—the war on terrorism. We owe it to our brave law enforcement officers who have been fighting this war on drugs, with many of them risking their lives by infiltrating some of these drug networks, chasing drug dealers, paying informants, doing undercover work, and surveillance. Our law enforcement officers have been fighting this war on drugs, and now they are fighting daily battles on many other fronts in the war on terrorism.

We also owe it to those struggling with drugs not to turn our Government into an enabler.

Finally, we owe it to our children to fight to ensure that they grow up and live in a world as free from illegal drugs as is possible.

I respectfully ask my colleagues to support my amendment, which sends all the right messages, all the proper messages, not just for our District of Columbia, which is in a time of crisis; but it sends the right message for all of America, and actually the right message for all of the world which is now watching our Nation's Capital.

Once again, I ask my colleagues to stand up for what is right in our Nation's Capital, for all the people of America, and those who are watching us.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank you for the recognition.

At this time I am prepared to yield a few moments, 5 minutes, to the Senator from Maryland for morning business.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much.

Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under "Morning Business.")

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for being so gracious.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield, under the unanimous consent agreement, to Senator DURBIN for a response to the Allen amendment.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that under the unanimous consent agreement there were 30 minutes allocated to each side.

The ACTING PRESIDENT pro tempore. Yes, and there are approximately 18 minutes remaining on each side.

Mr. DURBIN. Thank you very much, Mr. President.

Ms. LANDRIEU. How much time does the Senator need? Because there are two other Senators who would like to speak.

Mr. DURBIN. If I could ask for 15 minutes.

Ms. LANDRIEU. How about 12 minutes?

Mr. DURBIN. I will take 12.

Ms. LANDRIEU. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Unfortunately, because my time has been reduced, I am going to have to reduce the time I was going to use to praise the chair of the subcommittee for her work on this bill. But I do want to make a point of saying this: I have served on this subcommittee. This is not an easy assignment. I congratulate Senators LANDRIEU and DEWINE for bringing forth an excellent bill. It is a bill which is a challenge every single year.

Why is this bill a challenge? Because every Member of the Congress who ever wanted to be mayor of a town gets the chance to be "mayor for a day" on the DC appropriations bill. Senators from some of the largest States in the Nation can't wait to make decisions that are ordinarily made by mayors and members of city councils. They get to be "aldermen for a day." They get to rule a city for a day. It is such a tempting opportunity. And the fact that we put only 10 percent of the money, through Congress, into the District of Columbia does not hold them back. They don't want to merely control the money that Congress puts in the District of Columbia, they want to control all the money in the District of Columbia. You would think they were having a major election here and they were elected mayor of the District of Columbia because they want to make all the decision.

Frankly, that is wrong. It is wrong and irresponsible. If you believe in home rule, if you believe in the appropriate delegation of authority to the level closest to the voters, why in the world would a Senator from any State in the United States want to impose his or her judgment on this city, our Nation's Capital? And they do, year in and year out.

I thank the Senator from Louisiana for really fighting back the temptation to put in all these riders and all these ideas, all these ordinances that Members of Congress want to put on the District of Columbia. I say thank you to the Senator from Louisiana.

But the proposal we have before us today is one of the worst. It is a proposal where we say to the District of Columbia: You cannot use your money, your taxpayers' dollars, on a public health program that you endorsed to deal with a major public health crisis in the District of Columbia.

With his amendment, the Senator from Virginia has suggested that the

District of Columbia—it is more than a suggestion—would be unable to spend its own money on a needle exchange program. What does the Washington Post think of that suggestion? They have asked this question, an important one: Has Congress nothing better to do at this point than to play mayor and city council to the District of Columbia? They go through the proposals which we are going to consider here, proposals relative to needle exchange and domestic partnership. Time and again what you find is they are proposals which don't stand up.

The current DC appropriations bill would allow the District to finance the needle exchange program only through its own funds. There would be no Federal funds involved. That has been the rule for years. What Senator ALLEN says in his amendment is, no, you can't even use your own funds for that purpose.

Why should we keep our hands off this decision? Let me tell the Senate about this beautiful Nation's Capital in which I have had the privilege of being a student and a Congressman and a Senator for so many years of my life. This beautiful city has massive problems. One of the biggest problems is a public health problem we cannot overstate. The AIDS rate, the rate of infection of AIDS in Washington, DC, is the highest in the Nation. It is nine times the national average. For us to say we are going to impose our political opinion on how to deal with the AIDS crisis in the worst suffering city in America is just wrong.

Individuals become infected in the District of Columbia with AIDS and HIV primarily through the sharing of contaminated needles for intravenous drug usage. More than a third of the AIDS cases nationwide are related to injection drug use. These statistics are most dramatic among women, where three out of four women diagnosed with AIDS injected drugs themselves or became infected through a partner who was an injection drug user.

I refer to this statistic about the District of Columbia: Over half of the children born with HIV have a parent engaged in substance abuse. Our vote this morning will decide whether or not we take away the authority of the District of Columbia to deal with a public health crisis that is the worst in the Nation. We are imposing our political view on the best medical judgment in America of how to deal with an epidemic. We wouldn't accept that if the epidemic related to bioterrorism. We wouldn't let the Governors and mayors make medical decisions. We would stand up for what is right scientifically and medically.

Both the District of Columbia mayor, Anthony Williams, and the police chief support the use of local funds to finance needle exchange programs in Washington, DC. The arguments that these programs are creating and fermenting crime, encouraging drug use, fall flat on their face. Last year in this

appropriations bill we said we want the D.C. government to report to us if there is a higher incidence of crime around areas with needle exchange programs. It came back consistently and said no.

I say to the Senator from Virginia, they said no. The people, the cops on the beat, those who were asked to report to Congress said no, there was not an increase in crime or drug usage around these programs.

Let's talk about the scientific community for a moment. In addition to strong support from political officials, the potential for needle exchange programs to halt the spread of HIV/AIDS and encourage substance abusers to enter treatment is scientifically proven. The Surgeon General of the United States, David Satcher, stated:

There is conclusive scientific evidence that syringe 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 illegal use of drugs.

This is the Surgeon General of the United States. He is not an elected official. He has never put his name on a ballot that I know of, but he has spent his lifetime in public health and medicine. He says the amendment offered by the Senator from Virginia is just plain wrong.

If that amendment prevails, we will increase the likelihood of HIV and AIDS in the District of Columbia; we will increase the likelihood of more drug usage. How can we in good conscience consider such a measure? How can we turn our back on the overwhelming scientific and medical evidence against the Allen amendment? To ignore that is to ignore any warning we receive.

Do my colleagues recall during the Reagan administration President Reagan faced the onset of the AIDS epidemic and thank goodness Dr. Koop, his Surgeon General, had the courage to stand up and say: Don't politicize an epidemic. We will deal with it in honest medical terms. Thank goodness Dr. Koop said that and sent notices out to every home in America so they understood the seriousness of this public health challenge. It would have been so easy for this to be politicized. It would have been so easy for someone to take advantage of it. President Reagan and Dr. Koop wouldn't allow that.

Dr. Koop supports needle exchange programs—Dr. Koop, the former Surgeon General under a Republican President.

The Institute of Medicine in Washington, DC, said access to sterile syringes is one of the four unrealized opportunities in HIV prevention. The National Research Council and the Institute of Medicine indicated that needle exchange programs have the potential to reduce risk behaviors associated with HIV by 80 percent and HIV transmission by 30 percent.

When I start to list the organizations that oppose the Allen amendment, that

say it is just plain wrong scientifically and medically, we will have some understanding of why this is the wrong thing to vote for.

First, those opposing the Allen amendment: The American Medical Association, the American Academy of Pediatrics, the American Foundation for AIDS Research, the American Nurses Association, the American Pharmaceutical Association, the American Public Health Association. The list goes on and on and on. Every major credible public health organization that has been asked to comment on needle exchange programs has concluded they are an effective way to fight drug usage and the spread of HIV and AIDS.

Let me draw the attention of the Senate to this chart. This is a map of the United States showing the States that are currently involved with needle exchange programs. Keep in mind, all of these 31 States have decided this is a good way to fight drug usage and HIV/AIDS. Are we passing a law banning States around the country such as Maryland from having a needle exchange program, or Illinois? No. Only the District of Columbia, where Senators and Congressmen get to play mayor for a day. That is unfair. Look at these States all across America: Florida, Georgia, North Carolina, Tennessee, Louisiana, Texas, the President's home State, all with needle exchange programs.

If this is such a scourge on America, as the Senator from Virginia suggests, why hasn't he offered an amendment to ban these programs nationwide? Because, frankly, it is not Congress's business to do so. Secondly, it is just plain wrong from a public health point of view.

We know in these States that these programs bring people who are currently addicted into the presence of those who will give them the clean and safe needles, but also much more. They will connect up with them to try to help them end their drug usage. People living and lurking in the shadows and alleys of America as IV drug users using contaminated needles are not going to end their addiction, they are going to unfortunately continue it. They are going to give birth to children who will also suffer from HIV and AIDS as a result of it.

Ninety-five percent of the programs refer clients to substance abuse treatment and counseling programs—95 percent of those needle exchange programs do make the referrals. You are going to cut off this opportunity to reach out to a drug addict and say, please, we know that you are addicted, but here is your chance to shake this addiction, to change your life. Why would we walk away from that? Why in the Nation's Capital would we walk away from it, where the HIV and AIDS infection is the worst in America?

Over half of the people who come to these needle exchange programs realize they have an opportunity for voluntary

HIV testing on the site, and more than a quarter are screened for hepatitis B and C. All seven of the needle exchange programs in my home State of Illinois offer referrals to treatment information about HIV prevention.

I have voted for some of the toughest penalties in the law when it comes to drug usage. I have joined with those who say we have to make it clear that this is wrong; it not only kills you, but it threatens America in so many ways. I think these harsh punishments have worked in some cases; they have not worked in others. There are some people for whom even the harshest punishment in the world is not enough. They need a helping hand, someone who will reach out to them and say, please, test yourself for HIV, consider this program for rehab.

The amendment offered by the Senator from Virginia will stop the Nation's Capital, a city that is rocked with the HIV/AIDS epidemic, from fighting it. This amendment turns its back on the scientific and medical evidence which we gather across America in terms of how these programs help us to fight drugs, how they help us to fight crime, fight dependency, and fight addiction, why 31 different States, including the State of Utah and the State of Louisiana, have similar programs.

The ACTING PRESIDENT pro tempore. The Senator's 12 minutes have expired.

Mr. DURBIN. I ask for 2 additional minutes.

Ms. LANDRIEU. I yield 2 additional minutes to the Senator.

Mr. DURBIN. The Senator from Virginia said at one point that this is a program that harms its participants. I say to the Senator that the American Medical Association disagrees with him. The American Public Health Association disagrees with him. Law enforcement in the District of Columbia disagrees with him, and the Surgeon General of the United States disagrees with him as well.

When we consider what we are up against, the Senator says we have to make sure we send the right message. The fact that we can come to the floor and make a political judgment to take away one of the tools and weapons to fight for good public health and to fight HIV/AIDS is the wrong message. What are we going to do next? Are we going to decide that Congress is going to make decisions about the threat of anthrax and not the public health community, that it is a political decision not a medical decision? I hope not.

Whether we are fighting AIDS or anthrax, whether we are fighting drug addiction or other problems facing us in America on the medical scene, for goodness sakes, let us have the humility as Members of the Senate and the House to defer to the experts in the field. Let us not be swept away with the thought that by passing this amendment we are stating something that is politically strong.

Let me close with this statement from the Surgeon General because this says it all:

In summary, the new studies contribute substantially to the strength of the data showing the following effects of effective syringe exchange programs: A decrease in new HIV sero conversions; an increase in the numbers of injection drug users referred to and retained in substance abuse treatment and well-documented opportunities for multiple prevention services and referral and entry into medical care. The data indicate that the presence of a syringe exchange program does not increase the use of illegal drugs among participants in the syringe exchange programs.

That is the Surgeon General speaking on the basis of facts and real statistics. I beg the Senate not to play mayor and council for a day at the expense of an HIV/AIDS epidemic in the Nation's Capital. Stand with the AMA and the Surgeon General for the sound and prudent medical judgment to let those programs continue in the District of Columbia using their own funds.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I ask that the time I consume not be charged against either of the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AVIATION SECURITY ACT

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1447).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

*Resolved*, That the House insist upon its amendment to the bill (S. 1447) entitled "An Act to improve aviation security, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. Young of Alaska, Mr. Petri, Mr. Duncan, Mr. Mica, Mr. Ehlers, Mr. Oberstar, Mr. Lipinski, and Mr. DeFazio, be the managers of the conference on the part of the House.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair appointed Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, conferees on the part of the Senate.