

use among teens. In fact, in my home state of California, teen use of marijuana has dropped 34 percent among 7th graders, 44 percent among 9th graders, and 21 percent among 11th graders since the California medical marijuana initiative passed in 1996. The same Institute of Medicine study described earlier noted, "there is no evidence that the medical marijuana debate has altered adolescents' perceptions of the risks associated with marijuana use." Listen closely today to hear whether opponents of this amendment back their warning about sending the wrong message to children with any evidence demonstrating that medical use has caused a change in attitude about recreational use; I doubt there will be any with any scientific weight.

Mr. Chairman, this amendment is reasonably drafted and built on scientific evidence, judicial review, and medical studies. It reflects the grass roots demand and legislative will of nine of our United States. It is time for Congress to recognize the powerful dynamics of this issue and adopt my amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to this amendment. This is a bad amendment. It will be bad for the country.

Marijuana is the most abused drug in the United States. According to the Department of Health and Human Services, more young people are now in treatment for marijuana dependency than for alcohol or for all other legal drugs combined. The amendment does not address the problem of marijuana abuse and possibly, perhaps probably, makes it worse by sending a message to young people that there can be health benefits from smoking marijuana.

In testimony before the Committee on Government Reform, the DEA provided an example of how marijuana trafficking is occurring under the guise of medicine. And there is so much more I could say, and we have the gentleman from Indiana (Mr. SOUDER) here and the gentleman from California (Mr. OSE). This is not a good amendment. The message that this sends to the young people is absolutely wrong. This was overwhelmingly defeated the last time it came up. I urge defeat of the amendment.

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

Mr. FARR. Mr. Chairman I yield 3 minutes and 15 seconds to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, today I call for a broad coalition of my colleagues to support the Hinchey-Rohrabacher amendment to H.R. 4754, introduced by the gentleman from California (Mr. FARR).

Over the past 8 years, 10 States have adopted laws that decriminalize the use of marijuana for medical purposes. These States have passed these laws to allow the use of marijuana to relieve intense pain that accompanies several

debilitating diseases, including AIDS, cancer, multiple sclerosis, and glaucoma. In seven of these States, such as my own State of California, these laws were adopted by a direct referendum of the people.

The Federal Government, however, has made it nearly impossible for these States to implement their own laws, the laws that the people voted for. The DEA has conducted numerous raids on homes of medical marijuana users, prosecuting patients who were using marijuana in accordance with State law to relieve intense pain and other symptoms caused by a variety of illnesses. Despite these State laws, the Justice Department is working overtime to put sick people and those who would help them in jail.

It is time for the Federal Government to respect the rights of individual States to determine their own health and criminal justice policies on this matter. A growing movement of Americans from conservative to liberal is calling for the Federal Government to keep its hands off the States that wish to allow their citizens to use marijuana for medical purposes. In my State, the people have spoken overwhelmingly. Both Republican and Democrat counties voted for medical freedom. Our new Governor, Arnold Schwarzenegger, has made it clear in regard to the Federal Government's interference with California's medical marijuana policy in his message to Washington, and what is it? It is "Hasta la vista, baby." Even more poignant, Tom McClintock, Arnold's leading conservative opponent in the recent recall election, has spoken out even more strongly against the Federal interference with California's medical marijuana laws. The Governor of Maryland also, our former Republican colleague, Robert Ehrlich, has signed Maryland's new medical marijuana law and has lobbied Members of Congress on this issue.

As a conservative, I am increasingly troubled by the federalization of criminal law that has occurred in recent years. It seems that more and more crimes are being declared to be Federal crimes. While sometimes this is appropriate, for example in immigration law, which is a federally mandated issue by our Constitution, but criminal justice constitutionally is the domain of the State and local government. This is especially true when the people of these many States determine by their own vote the policy concerning this specific personal behavior.

It is time for the conservatives and liberals to join together in calling for the Federal Government to keep its hands off. Liberals, moderates, and conservatives should unite in order to protect the freedom of our people. This is a freedom issue, and it is also a humanitarian issue. We should make sure that the local people have a right to determine if the doctors in their community, and that is what we are talking about, the doctors are able to prescribe marijuana for people who are

suffering from AIDS and suffering from cancer and other types of diseases. This is not fair, and it is not humane to go the other way; and it is un-American to centralize this type of criminal justice matter in the hands of Federal bureaucrats rather than the people who vote in our specific communities.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I would just like to point out that as a physician before I came to Congress, medical marijuana is actually not necessary because the active ingredient in medical marijuana is delta-9-tetrahydrocannabinol. This is a compound that is readily available not in a handful of States as medical marijuana is, but in every State of the Union. It is legal today. It is called Marinol. It is a pill. It is easy to take. And people who suffer from cancer, people who have anorexia from chemotherapy, people who suffer from AIDS may use Marinol today to their benefit.

Mr. Chairman, it just challenges the imagination. As a physician, I wrote a lot of prescriptions for morphine for patients who were in pain. I would have never recommended to a patient that they go home and score some opium and smoke it. That would be an inappropriate way for them to deliver the drug.

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This drug is delivered in a humane and compassionate way. It is delivered in a way that deals with the symptoms it is designed to deal with, and we do not explode the drug culture in this country by doing so.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, I, too, am a physician from Texas, but I have a little different opinion about Marinol. No doctor that I know of ever prescribes Marinol.

I think marijuana is a helpful medical treatment for the people who have intractable nausea. I would like to point out this is not something strange that we are suggesting here. For the first 163 years of our history in this country, the Federal Government had total hands off, they never interfered with what the States were doing. They interfered only after 1938 through tax law. So this is something new.

The States' rights issue is almost a dead issue in the Congress, but we ought to continue to talk about it, and I am delighted somebody has brought this up.

But if you do have compassion and care for patients, they ought to have a freedom of choice. I think that is what this is all about, freedom of choice.

I would like to point out one statistic. One year prior to 9/11 there were 750,000 arrests of people who used marijuana; there was one arrest for a suspect that was committing terrorism.

Now, that, to me, is a misdirected law enforcement program that we could help address here by at least allowing the States to follow the laws that they already have on the books.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS).

Mr. BURNS. Mr. Chairman, in 2001, the FDA approved the pain killer OxyContin, knowing that it had a high probability of being diverted for illicit use. We felt that the gain was worth the risk. The abuse, unfortunately, of OxyContin is now a nationwide epidemic.

In spite of the fact that, unlike OxyContin, there are safe and effective and legal alternatives to smoking pot for pain relief, we are now considering the use of marijuana for its medical purposes.

The active ingredient, as the gentleman from Texas (Mr. BURGESS) pointed out, is readily available in an FDA-approved capsule. This pill delivers THC, it does not carry the dangers inherent with smoking marijuana, nor does it undermine the law enforcement efforts that fight illegal drug use.

Mr. Chairman, the legalization of medical marijuana is simply the first step in a scheme to overturn all the substance abuse laws that we work hard to enforce today. We need to vote "no" on legalization of marijuana and its use in America.

Mr. WOLF. Mr. Chairman, I yield 1 minute of the 3 minutes to the gentleman from California (Mr. OSE)

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

Mr. Chairman, I rise in absolute, 100 percent opposition to this amendment. I have listened to the arguments of my friends from Texas and my friend from California in one case and my friend from California in the other, and I have to say that their argument on States' rights is a unique application as it relates to so-called "medical marijuana." But I have not yet heard a single bit of testimony dealing with whether or not there is any medical value to the application of marijuana in this case.

Now, the so-called phrase "medical marijuana" is a misnomer. It was invented by the people who passed the proposition in California that, frankly, hoodwinked the voters of California into voting in favor of it. But I just want to run through a couple of things here.

The FDA looks at all sorts of prescription drugs and pharmacological treatments, and they have looked at marijuana, and by and large, we have deferred to the FDA on all these analyses. But, all of a sudden, when it comes to so-called "medical marijuana," the FDA is no longer competent. But I do want to enter into the RECORD that the FDA, in fact, did look at marijuana as a medical substance and found absolutely no value whatsoever to its use.

Now, the FDA has, in fact, looked at Marinol, in which the active ingredient

in so-called "medical marijuana" is present, THC, and has approved that for use in treating nausea and pain and the like, and it is readily available by prescription, a true prescription, from a doctor.

Let us dwell for a minute in California, which I am familiar with, on this so-called "medical marijuana" and the facade that people go through to obtain it.

First of all, the referendum requires that a doctor issue a so-called prescription. However, the doctor refuses to issue a prescription on a prescription form for so-called medical marijuana. They write it on a piece of blank paper, because the doctors know that it is not a prescription, it is a facade perpetrated upon the people of California that this has any medical qualities whatsoever.

Now, my friend from Indiana is going to share with you the story of a tragic occurrence in San Francisco, and I am not going to jump the gun on him, because this is absolutely heartbreaking, what he is going to tell you. But I do want to tell you, that incident is not singular in nature.

The fact of the matter is we have children, young people across this country, watching you and me and our peers across this country as it relates to the use of so-called medical marijuana, and if you think for one minute that they are going to turn a blind eye to our acquiescence, that just because it happens to be a little bit difficult to tell people "No, you are not going to be able to smoke dope," just because it happens to be a little bit difficult to tell people that, that we are going to roll over and pass this prohibition on funds, just begs the imagination about what leadership really constitutes.

Mr. WOLF. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FARR. Mr. Chairman, I thought the author of the amendment has the right to close.

The CHAIRMAN. The chairman of the subcommittee, controlling time in opposition to the amendment, has the right to close.

The gentleman from California (Mr. FARR) has 1¼ minutes remaining, and the gentleman from Virginia (Mr. WOLF) has 4 minutes remaining.

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because my mother had glaucoma and we bought her marijuana because it was a relief, and that was before this bill was passed in the State of California.

I support this amendment because it respects State authority, because the people in our State believe medical

marijuana is a way to relieve those suffering from cancer, from glaucoma, from AIDS, from spastic disorders and other debilitating diseases.

This amendment will do only one thing: It will stop the Justice Department from punishing those who are abiding by their State laws. It changes no law.

Mr. Chairman, I ask my colleagues, support this amendment so that those who suffer from debilitating diseases can get the relief that they need, and they can get it without fear of the Federal Government.

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

Mr. Chairman, I would like to respond to the comment of the gentleman from Virginia (Mr. WOLF). I am going to read here that in the State of California, teen use of marijuana has dropped 34 percent among seventh graders, 44 percent among ninth graders and 21 percent among eleventh graders since the California medical marijuana initiative passed in 1996.

Also, I would like to point out that this is not such a radical amendment. It only affects the States that have State laws, that have the enforcement. We have not heard from law enforcement opposing this. We have heard from the American Nursing Association, the United Methodist Church, the New York Medical Society, the Rhode Island Medical Society, the New England Journal of Medicine, the American Bar Association, the American Public Health Association and the Episcopal Church. They all support this amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER).

The CHAIRMAN. The gentleman is recognized for 4 minutes.

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

Mr. SOUDER. Mr. Chairman, first, do not let any Member kid themselves; if you cannot enforce a Federal law, you do not have a Federal law. This would eliminate our ability to enforce marijuana laws in States that have passed this.

My friend from California alluded to a very sad case in the State of California. When we as Members use phrases like "medical marijuana" and responsible officials imply that drugs like marijuana are medical, tragedies like this happen.

Irma Perez, age 14, the late Irma Perez, was overdosing on Ecstasy. Her friends had heard that marijuana was medical, and instead of getting her to a doctor, where they said she would have been saved, they gave her marijuana on top of her Ecstasy and she died.

When we have silly debates like this, quite frankly, we bear responsibility. Yesterday, in Ohio, six people died, including a family of four, two adults and two children, when a young person on marijuana and alcohol collided into a truck that hit two other vehicles and killed six people.