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Issues - Needle Exchange - Legislation - Solomon (HR [House of Representatives] 3317)

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THE UNITED STATES CONFERENCE OF MAYORS

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Mayor of BaltimoreExecutive Director
J. THOMAS COCHRAN

TO: The Mayor
FROM: J. Thomas Cochran *Tom Cochran*
SUBJECT: House to Consider Federal Needle Exchange Prohibition
DATE: April 28, 1998

ACTION ALERT - HOUSE TO CONSIDER BILL ON APRIL 29

We have just been informed that House Rules Committee Chairman Gerald Solomon (NY) will bring to the House floor tomorrow, April 29, a bill designed to permanently prohibit the use of any funds made available under any Federal law to be, "expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

As you know, the Administration recently decided that it would not provide funding for "needle exchanges," but acknowledged the value of such programs. The Solomon bill, which is going to be brought directly to the House floor -- bypassing committee -- would permanently impose this ban.

In addition, we have been informed that the Solomon language -- which again has not been debated in standard committee action -- could possibly be interpreted at a later date to limit the use of state or local funds for needle exchange programs.

The U.S. Conference of Mayors has adopted policy which supports the lifting of the prohibition against federal funding of needle exchange programs. The Solomon bill goes directly against that policy, and could have even broader consequences.

I have attached a copy of the bill, a copy of our policy adopted in June of 1997, and a letter from Detroit Mayor Dennis Archer on the issue of federal funding for needle exchanges.

105TH CONGRESS
2D SESSION

H. R. 3717

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1998

Mr. SOLOMON (for himself, Mr. WICKER, Mr. EASTERT, Mr. BARD of Georgia, and Mr. DELAY) introduced the following bill, which was referred to the Committee on Commerce

A BILL

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION REGARDING ILLEGAL DRUGS**
4 **AND DISTRIBUTION OF HYPODERMIC NEE-**
5 **DLES.**

6 Part B of title II of the Public Health Service Act
7 (42 U.S.C. 238 et seq.) is amended by adding at the end
8 the following section:

2

1 "PROHIBITION REGARDING ILLEGAL DRUGS AND
2 DISTRIBUTION OF HYPODERMIC NEEDLES

3 "SEC. 247. Notwithstanding any other provision of
4 law, none of the amounts made available under any Fed-
5 eral law for any fiscal year may be expended, directly or
6 indirectly, to carry out any program of distributing sterile
7 needles or syringes for the hypodermic injection of any ille-
8 gal drug."

9 SEC. 2. CONFORMING AMENDMENT.

10 Section 506 of Public Law 105-78 is repealed.

C

Resolution Adopted at the 65th Annual Conference of Mayors
June 1997

Rationale for Needle Exchange Programs

WHEREAS, as of December 1996, 581,429 persons have been diagnosed with AIDS since 1982; and

WHEREAS, one in 250 people in the United States is infected with human immunodeficiency virus (HIV), and every year an additional 40,000-80,000 Americans become infected with the AIDS virus; and

WHEREAS, AIDS is the leading cause of death among men and women between the ages of 25 and 44; and

WHEREAS, intravenous drug use is responsible for the greatest number of new AIDS cases among the heterosexual population; and

WHEREAS, by 1996, among children under the age of 13 with AIDS, 53 percent were born to women who contracted HIV through injection drug use or sex with a spouse or partner who used injection drugs; and

WHEREAS, the FY 1997 Labor, Health and Human Services, Education and Related Agencies appropriations legislation prohibits the use of Federal funds to "carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs;" and

WHEREAS, six federally funded studies, 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, the National Academy of Sciences in 1995 and the Office of Technology Assessment in 1995 report that needle exchange programs reduce HIV transmission and do not increase drug use; and

WHEREAS, the NIH Consensus Panel reviewed studies on the effectiveness of needle exchange programs and concluded that needle exchange programs do not increase syringe injecting behavior among current drug users, do not increase the number of drug users, and do not increase the amount of discarded drug paraphernalia. In addition, the NIH stated that "legislative restriction on [needle exchange programs] must be lifted. Such legislation constitutes a major barrier to realizing the potential of a powerful approach and exposes millions of people to unnecessary risk;" and

WHEREAS, the average lifetime cost of care is \$119,000 for one AIDS patient from diagnosis to death; and

WHEREAS, the average cost of a sterile syringe is less than 10 cents; and

WHEREAS, studies show reduction in risk behavior as high as 80 percent with estimates of a 30 percent or greater reduction of HIV among injecting drug users in needle exchange programs; and

WHEREAS, Secretary of Health and Human Services Donna Shalala, reported that "studies indicate that needle

exchange programs can have an impact on bringing difficult to reach populations into systems of care that offer drug dependency services, mental health, medical and support services. These studies also indicate that needle exchange programs can be an effective component of a comprehensive strategy to prevent HIV and other blood-borne infectious diseases in communities that choose to include them;" and

WHEREAS, needle exchange programs can offer a bridge to drug treatment, HIV prevention information and medical and support services to hard to reach populations who might not otherwise receive such services; and

WHEREAS, there are 113 needle exchange programs in 29 states, the District of Columbia and Puerto Rico; and

WHEREAS, The U.S. Conference of Mayors reports that "the clock is ticking in terms of stemming the spread of HIV among drug users and the subsequent spread to their sexual partners and unborn children" and "it may be time to shift discussion to how effective prevention strategies, such as syringe exchange, can be implemented at the local level..." and

WHEREAS, the Federal ban on funding for needle exchange impedes states and local communities from implementing HIV prevention strategies that have been scientifically proven effective;

NOW, THEREFORE, BE IT RESOLVED, that the Secretary of the Department of

Health and Human Services, in recognition of the overwhelming scientific evidence that needle exchange is effective in preventing the spread of HIV and does not increase the use of illegal drugs, exercise the waiver authority provided under the FY 1997 Labor, Health and Human Services, Education and Related Agencies appropriations legislation; and

BE IT FURTHER RESOLVED, that needle exchange is only one, vital component of a comprehensive HIV prevention program, including information, medical treatment, substance abuse treatment and a broad range of complementary social services necessary to prevent the spread of HIV; and

BE IT FURTHER RESOLVED, that state and local public health officials, consistent with the scientific and public health evidence supporting needle exchange as an effective HIV prevention tool, may utilize appropriate Federal resources for needle exchange programs, as a part of a community's comprehensive HIV prevention plan.



DENNIS W. ARCHER, MAYOR
CITY OF DETROIT
EXECUTIVE OFFICE

1126 CITY-COUNTY BUILDING
DETROIT, MICHIGAN 48226
PHONE: 313-224-3400
FAX 313-224-6128

March 18, 1998

Honorable Donna Shalala
Department of Health and Human Services
200 Independence Avenue S.W., Rm. 615F
Washington, DC 20201

Dear Madam Secretary:

Injecting drug use is a critical factor in the incidence of HIV disease in Detroit as well as cities and states across the country. While traditional prevention interventions have proven successful in some sectors of the population, they have been limited in their impact on the hardest to reach and often forgotten populations. Given the serious health threat posed by HIV infections, an aggressive and multi-faceted public health approach is essential.

Scientific data indicates that needle exchange programs are effective in reducing HIV transmission and do not encourage the use of illegal drugs. Based on those findings, I am urging you to exercise the waiver authority, available to you under the Labor, Health and Human Services appropriation bill, which would allow for federal funding of needle exchange programs.

Since 1996, two needle exchange programs have been licensed to operate in the city of Detroit as part of a comprehensive harm reduction strategy. Establishment of these programs is due to broad-based community support and overwhelming scientific evidence that legal access to sterile injection equipment reduces the spread of HIV among active injection drug users, their sexual partners and the children born to them. However, these programs continue to struggle to secure sufficient funding to keep these services available.

Again, I encourage you to allow for the utilization of federal funds for needle exchange programs by exercising the waiver authority available to you beginning March 31, 1998. I look forward to continuing our partnership in the provision of comprehensive and proven effective HIV prevention programs.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis Archer".

Dennis W. Archer
Mayor

DWA/me

Congress of the United States

House of Representatives

Washington, DC 20515

April 27, 1998

Federal Funds for Drug Needles?

Dear Colleague:

As you know, the Clinton Administration recently endorsed needle exchange programs for drug addicts. This is an outrage and that is why we have just introduced legislation, H.R. 3717, to permanently ban the use of federal funds for needle distribution.

Numerous studies - including those done by General McCaffrey's Office of National Drug Control Policy - have concluded that needle exchange programs increase illegal drug use. In addition, they do not reduce the spread of HIV. A recent study published in the prestigious *American Journal of Epidemiology* confirmed this: drug addicts who participate in needle exchange programs are 2.2 times more likely to contract HIV than addicts who do not participate.

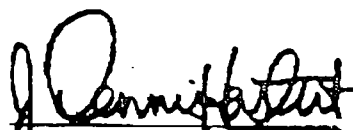
We have led the fight against illegal drug use and we are not going to allow the pro-drug contingent in this Administration to reverse the progress we have made.

Please support our legislation when it comes to the floor this week.

Sincerely,


GERALD B. H. SOLOMON
Member of Congress


TOM DELAY
Member of Congress


DENNIS HASTERT
Member of Congress


BOB BARR
Member of Congress


ROGER WICKER
Member of Congress



Record Type: Record

To:

cc:

Subject: HR 3712 - Solomon bill on needle exchange funding

Rep. Solomon is fast-tracking a bill to prohibit federal funds from directly or indirectly funding needle exchange. It was our understanding from the meeting earlier this week with Bruce, Elena, Chris et al that we were going to stay the course on protecting the Secretary's authority, though we would have to modify the justification. Reps. Waxman, Morella, and Pelosi are wanting to know what we're going to do.

Our assumption, Elena, is that OMB can prepare a SAP in opposition to HR 3712 and similar bills. Can we threaten veto?

FYI, here's the text of the bill. I understand it's going to sail through rules and may hit the floor the middle of next week.

H. R. 3712

To prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

IN THE HOUSE OF REPRESENTATIVES

April 22, 1998

Mr. SOLOMON introduced the following bill; which was referred to the Committee on Commerce

A BILL

To prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FUNDS FOR HYPODERMIC NEEDLES.

Notwithstanding any other provision of law, no Federal funds shall be made available or used to carry out or support, directly or indirectly, any program of distributing sterile hypodermic needles or syringes for the hypodermic injection of any illegal drug.

Message Copied To: _____

105TH CONGRESS
2D SESSION

H. R. 3717

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1998

Mr. SOLOMON (for himself, Mr. WICKER, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION REGARDING ILLEGAL DRUGS**
4 **AND DISTRIBUTION OF HYPODERMIC NEE-**
5 **DLES.**

6 Part B of title II of the Public Health Service Act
7 (42 U.S.C. 238 et seq.) is amended by adding at the end
8 the following section:

1 “PROHIBITION REGARDING ILLEGAL DRUGS AND
2 DISTRIBUTION OF HYPODERMIC NEEDLES

3 “SEC. 247. Notwithstanding any other provision of
4 law, none of the amounts made available under any Fed-
5 eral law for any fiscal year may be expended, directly or
6 indirectly, to carry out any program of distributing sterile
7 needles or syringes for the hypodermic injection of any ille-
8 gal drug.”.

9 **SEC. 2. CONFORMING AMENDMENT.**

10 Section 506 of Public Law 105–78 is repealed.

○

Bill Summary & Status for the 105th Congress

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H.R.3717**SPONSOR:** [Rep Solomon](#) (introduced 04/23/98)

Jump to: [Titles](#), [Status](#), [Committees](#), [Amendments](#), [Cosponsors](#), [Summary](#)

TITLE(S):

- **OFFICIAL TITLE AS INTRODUCED:**
A bill to prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

STATUS: Floor Actions

NONE

STATUS: Detailed Legislative Status

House Actions**Apr 23, 98:**

Referred to the House Committee on Commerce.

STATUS: Congressional Record Page References

NONE

COMMITTEE(S):

- **COMMITTEE(S) OF REFERRAL:**
[House Commerce](#)

AMENDMENT(S):

NONE

4 COSPONSORS:

[Rep Wicker](#) - 04/23/98 [Rep Hastert](#) - 04/23/98[Rep Barr](#) - 04/23/98 [Rep DeLay](#) - 04/23/98

SUMMARY:

NONE

Total Pages: _____

LRM ID: RJP261

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, April 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM**URGENT**

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Robert J. Pellicci

PHONE: (202)395-4871 **FAX:** (202)395-6148

SUBJECT: Statement of Administration Policy on HR3717 Prohibition on the Distribution of Hypodermic Needles

DEADLINE: 3:30 p.m. Monday, April 27, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: House Rules Committee action is scheduled for 2 p.m. tomorrow, April 28th.

DISTRIBUTION LIST**AGENCIES:**

52-HHS - Sondra S. Wallace - (202) 690-7760

61-JUSTICE - Ann Harkin - (202) 514-2141

89-Office of National Drug Control Policy - John Carnevale - (202) 395-6736

EOP:

Daniel N. Mendelson

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LRM ID: RJP261 **SUBJECT:** Statement of Administration Policy on HR3717 Prohibition on the Distribution of Hypodermic Needles

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Robert J. Pellicci Phone: 395-4871 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

HR 3717 IH

105th CONGRESS

2d Session

H. R. 3717

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

IN THE HOUSE OF REPRESENTATIVES

April 23, 1998

Mr. SOLOMON (for himself, Mr. WICKER, Mr. HASTERT, Mr. BARR of Georgia, and Mr. DELAY) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To prohibit the expenditure of Federal funds for the distribution of needles or syringes for the hypodermic injection of illegal drugs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

'PROHIBITION REGARDING ILLEGAL DRUGS AND DISTRIBUTION OF HYPODERMIC NEEDLES

'SEC. 247. Notwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.'

SEC. 2. CONFORMING AMENDMENT.

Section 506 of Public Law 105-78 is repealed.

END

DRAFT - NOT FOR RELEASE

**April 27, 1998
(House)**

H.R. 3717 - Prohibition Regarding Illegal Drugs and the Distribution of Hypodermic Needles
(Rep. Solomon (R) NY and four cosponsors)

The Administration strongly opposes H.R. 3717 because it is unnecessary and unwarranted.

DRAFT – NOT FOR RELEASE

April 27, 1998
(House)

H.R. 3717 - Prohibition Regarding Illegal Drugs and the Distribution of Hypodermic Needles
(Rep. Solomon (R) NY and four cosponsors)

The Administration strongly opposes H.R. 3717 because it is unnecessary and unwarranted.

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Pellicci) in consultation with the DPC (Reed/Jennings)

OMB/LA Clearance: _____

H.R. 3717 was introduced on April 23rd. There have been no hearings or committee action on the bill. The House Rules Committee is scheduled to consider the bill at 2 p.m. on Tuesday, April 28th.

Background

Public Law 105-78 (the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act for FY 1998) continues the prohibition on the use of Federal funds for the distribution of needles, but allows for such funds to be used for needle-exchange programs after March 31, 1998, if the Secretary of HHS certifies that such programs are: (1) effective in preventing the spread of HIV; (2) operated in accordance with criteria established by the Secretary; and (3) not encouraging the use of illegal drugs.

On April 20th, HHS Secretary Shalala announced that "based on the findings of extensive scientific research . . . needle exchange programs can be an effective part of a comprehensive strategy to reduce the incidence of HIV transmission and do not encourage the use of illegal drugs." The Secretary noted, however, that the current law restriction on Federal funding of needle exchange programs would not be lifted. (Since 1989, the use of Federal funds for needle exchange programs has been restricted by the Congress.)

Description of H.R. 3717

H.R. 3717 states that "[n]otwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

H.R. 3717 would also repeal the provision in P.L. 105-78, which was discussed above, that would permit the use of appropriated funds to be used after March 31, 1998, for needle exchange programs.

Pay-As-You-Go Scoring

According to HLTH (Chin-Chin), H.R.3717 would not affect revenues or direct spending; therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION DRAFT
04/27/98 - 11:00 a.m.

To: Roger McClung
From: Deborah von Zinkernagel
Subject: Draft SAP Language on HR 3717



The following language has been signed off on by Eric Goosby:

The Administration strongly opposes H.R. 3717 because it is unnecessary and unwarranted. The Secretary of the Department of Health and Human Services, as the Nation's chief appointed health official, should retain the authority to determine the scientific and public health merit of needle exchange programs as they affect rates of HIV transmission and injection drug use. It is also appropriate for the Secretary to determine which public health interventions should be supported with federal funds.

Here is an alternative that is also supported by Eric, which does not directly deal with the federal funding issue but points to the role of local control:

The Administration strongly opposes HR 3717 because it is unnecessary and unwarranted. We support the previous decision by Congress to vest determinative authority on the scientific merits of HIV prevention strategies with the Secretary of HHS, leaving the ultimate decision on the use of those strategies with local and state officials.

Total Pages: _____

LRM ID: RJP261

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, April 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

URGENT

TO: Legislative Liaison Officer - See Distribution below
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Robert J. Pallicci
PHONE: (202)395-4871 FAX: (202)395-6148
SUBJECT: REVISED Statement of Administration Policy on HR3717 Prohibition on the Distribution of Hypodermic Needles

DEADLINE: 9:30 a.m. Tuesday, April 28, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: House Rules Committee action is scheduled for 2 p.m. tomorrow, April 28th.

DISTRIBUTION LIST

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61-JUSTICE - Ann Harkin - (202) 514-2141
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Kenneth L. Schwartz
Kevin P. Cichetti
Allison H. Eydt
James C. Murr
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Kate P. Donovan
Robert G. Damus
William P. Marshall

URGENT

LRM ID: RJP261 SUBJECT: REVISED Statement of Administration Policy on HR3717
Prohibition on the Distribution of Hypodermic Needles

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

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(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Robert J. Pellicci Phone: 395-4871 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
_____ (Name)
_____ (Agency)
_____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT -- NOT FOR RELEASE

April 27, 1998
(House Rules)

H.R. 3717 - Prohibition Regarding Illegal Drugs and the Distribution of Hypodermic Needles
(Rep. Solomon (R) NY and four cosponsors)

The Administration strongly opposes H.R. 3717 because it is unnecessary and unwarranted. As the Nation's chief appointed health official, the Secretary of Health and Human Services should have the authority to determine the scientific and public health merit of needle exchange programs as they affect rates of HIV transmission and injection drug use. The Administration believes that the Secretary is the appropriate official to determine which HIV prevention strategies should be supported with Federal funds, and that the decision whether to use these strategies should rest with State and local officials.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Pellicci) in consultation with HHS (Per Richard Tarplin, Assistant Secretary for Legislation) agrees with the proposed position.

OMB/LA Clearance: _____

H.R. 3717 was introduced on April 23rd. There have been no hearings or committee action on the bill. The House Rules Committee is scheduled to consider the bill at 2 p.m. on Tuesday, April 28th.

Background

Public Law 105-78 (the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act for FY 1998) continues the prohibition on the use of Federal funds for the distribution of needles, but allows for such funds to be used for needle-exchange programs after March 31, 1998, if the Secretary of HHS certifies that such programs are: (1) effective in preventing the spread of HIV; (2) operated in accordance with criteria established by the Secretary; and (3) not encouraging the use of illegal drugs.

On April 20th, HHS Secretary Shalala announced that "based on the findings of extensive scientific research . . . needle exchange programs can be an effective part of a comprehensive strategy to reduce the incidence of HIV transmission and do not encourage the use of illegal

drugs." The Secretary noted, however, that the current law restriction on Federal funding of needle exchange programs would not be lifted. (Since 1989, the use of Federal funds for needle exchange programs has been restricted by the Congress.)

Description of H.R. 3717

H.R. 3717 states that "[n]otwithstanding any other provision of law, none of the amounts made available under any Federal law for any fiscal year may be expended, directly or indirectly, to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

H.R. 3717 would also repeal the provision in P.L. 105-78, which was discussed above, that would permit the use of appropriated funds to be used after March 31, 1998, for needle exchange programs.

Pay-As-You-Go Scoring

According to HJTH (Chin-Chin Ip), H.R.3717 would not affect revenues or direct spending; therefore, it is not subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

LEGISLATIVE REFERENCE DIVISION DRAFT

04/27/98 - 5:10 p.m.

DRAFT - NOT FOR RELEASE

April 28, 1998
(House)

H.R. 3717 - Prohibition Regarding Illegal Drugs and the Distribution of Hypodermic Needles
(Rep. Solomon (R) NY and four cosponsors)

The Administration strongly opposes H.R. 3717 because it is unnecessary and unwarranted. As the Nation's chief appointed health official, the Secretary of Health and Human Services should have the authority to determine the scientific and public health merit of needle exchange programs as they affect rates of HIV transmission and injection drug use. The Administration believes that the Secretary is the appropriate official to determine which HIV prevention strategies should be supported with Federal funds, and that the decision on which HIV prevention strategies to use should rest with State and local officials.

To: TODD SUMMERS

VERSION being circulated for final
review.

Bob P.

ONDCP has passed on this - major modifications
will require another go-through with them

- Waxman - need it to be broad
nothing proactive
if R interpret it broadly

APR. 23, 1998 11:57AM

NO. 892 P. 5/6

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NEWS

From U.S. Congressman

ROGER WICKER

206 CANNON HOUSE OFFICE BUILDING • WASHINGTON, D.C. 20515 • (202) 225-4306

IMMEDIATE RELEASE

**REP. WICKER SAYS BILL WILL IMPOSE PERMANENT BAN
ON FEDERAL FUNDING FOR NEEDLE EXCHANGE PROGRAMS**
Restricting legislation introduced Wednesday

WASHINGTON, DC—U. S. Rep. Roger F. Wicker (R-Miss.) joined with three House colleagues to introduce legislation to permanently ban federal funding of needle exchange programs for drug addicts.

The bill was prompted by statements made Monday by Health and Human Services Secretary Donna Shalala. The Secretary did not immediately lift the moratorium on federal support for needle exchanges, but she endorsed the activity as an effective means of drug treatment. Secretary Shalala retains the authority to release federal funds if evidence shows the practice does not increase drug usage or the spread of AIDS.

The legislation would permanently prevent federal funding for this program in the future, Rep. Wicker said. He was joined by Reps. Tom Delay (R-TX), J. Dennis Hastert (R-Ill.) and Rep. Bob Barr (R-GA). The legislation reads: "None of the amounts made available under any federal law for any fiscal year may be expended directly or indirectly to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug."

Wicker is one of the authors of the current Congressional ban and a member of the Speaker's Task Force on a Drug-Free America. "This should not be a partisan issue. Our leaders in Washington should be speaking with a clear, unified voice and the message should be that illegal drug use is wrong. Allowing federal tax dollars to be spent for needle exchanges undermines that message," he said.

"I asked Drug Czar Barry McCaffrey about this issue at a recent hearing on Capitol Hill. He said he was 'unpersuaded' by claims from needle exchange advocates that this is an effective method of drug treatment and he said further study was needed," Rep. Wicker said.

APR. 23. 1998 11:57AM

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Needle exchange programs put communities at risk for increased criminal behavior by drug addicts, and could expose children and the general population to accidental contact with discarded needles on playgrounds, parks, and other public use areas, he said.

"This Administration says it is interested in the health and well-being of our children, yet its message to the nation on needle exchange puts children in peril. I worry that Secretary Shalala's endorsement of the program could encourage teenage drug users to continue on a path toward long-term addiction. The last thing we should be doing for at-risk 16 and 17 year-olds is giving them free needles."

4/22/98

105TH CONGRESS
2D SESSION

H. R. 3712

To prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1998

Mr. SOLOMON introduced the following bill; which was referred to the Committee on Commerce

A BILL

To prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROHIBITION ON USE OF FUNDS FOR HYPO-**
4 **DERMIC NEEDLES.**

5 Notwithstanding any other provision of law, no Fed-
6 eral funds shall be made available or used to carry out
7 or support, directly or indirectly, any program of distribut-

- 1 ing sterile hypodermic needles or syringes for the hypo-
- 2 dermic injection of any illegal drug.

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