Multitrack Processing.—An agency commitment to process requests on a first-come, first-served basis has been held to satisfy the requirement that an agency exercise due diligence in dealing with backlogs of FOIA requests. Processing requests solely on a FIFO basis, however, may result in lengthy delays for simple requested due to the prior receipt and processing of complex requests, and in increased agency backlogs. The bill would permit agencies to promulgate regulations implementing multitrack processing systems, and make clear that agencies should exercise due diligence within each track. Agencies would also be permitted to provide requesters with the opportunity to limit the scope of their requests in order to qualify for processing under a faster track.

Unusual Circumstances.—The FOIA currently permits an agency in ''unusual circumstances'' to extend for a maximum of 10 working days the statutory time limit for responding to a FOIA request, upon written notice to the requester setting forth the reason for such extension. The FOIA enumerates various reasons for such an extension, including the need to search for and collect requested records from multiple offices, the volume of records requested, and the need for consultation among components of an agency.

For unusually burdensome FOIA requests, an extra ten days still provides insufficient time for an agency to respond. The bill would provide a mechanism to deal with such requests, which an agency would not be able to process even with an extra ten days. For such requests, the bill would require an agency to inform the requester that the request cannot be processed within statutory time limits and provide an opportunity for the requester to limit the scope of the request so that it may be processed within statutory time limits, or arrange with the agency an agreed upon time frame for processing the request. In the event that the requester refuses to reasonably limit the request's scope or agree upon a time frame and then seeks judicial review, that refusal shall be considered as a factor in determining whether ''exceptional circumstances'' exist under subparagraph (6)(C).

Requesters should not be able to make multiple requests merely to avoid the procedures otherwise applicable in unusual circumstances. To avoid the potential problem of multiple requests for purely circumvention purposes, the bill would permit agencies to promulgate regulations to aggregate requests made by the same requester, or group of requesters acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in subparagraph (6)(B)(iii) of the bill. The aggregated requests must involve clearly related matters. Agencies are directed not to aggregate multiple requests involving unrelated matters.

Exceptional Circumstances.—The FOIA provides that in ''exceptional circumstances,'' a court may extend the statutory time limits for an agency to respond to a FOIA request, but does not specify what those circumstances are. The bill would clarify that routine, predictable agency backlogs for FOIA requests do not constitute exceptional circumstances for purposes of the Act, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests. This is consistent with the holding in *Open America* v. *Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976), where the court held that an unforeseen 3,000 percent increase in FOIA requests in one year, which created a massive backlog in an agency with insufficient resources to process those requests in a timely manner, can constitute ''exceptional circumstances.'' Routine backlogs of requests for records under the FOIA should not give agencies an automatic excuse to ignore the time limits, since this provides a disincentive for agencies to clear up those backlogs. The bill also makes clear that those agencies with backlogs must make efforts to reduce that backlog before exceptional circumstances will be found to exist.

Section 8. Time Period for Agency Consideration of Requests. The bill contains provisions designed to address the needs of both agencies and requesters for more workable time periods for the processing of FOIA requests.

Expedited Access.—The bill would require agencies to promulgate regulations authorizing expedited access to requesters who demonstrate a ''compelling need'' for a speedy response. The agency would be required to make a determination whether or not to grant the request for expedited access within ten days and then notify the requester of the decision. The requester would bear the burden of showing that expedition is appropriate by certifying in a statement that the demonstration of compelling need is true and correct to the best of the requester's knowledge and belief. The bill would permit only limited judicial review based on the same record before the agency of the determination whether to grant expedited access. Moreover, federal courts will not have jurisdiction to review an agency's denial of an expedited access request if the agency has already provided a complete response to the request for records.

A ''compelling need'' warranting expedited access would be demonstrated by showing that failure to obtain the records within an expedited time frame would: (I) pose an imminent threat to an individual's life or physical safety; or, (II) ''with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.'' Agencies are also permitted to provide for expedited processing in other cases as they may determine.

Expansion of Agency Response Time.—To assist federal agencies in reducing their backlog of FOIA requests, the bill would double the time limit for an agency to respond to FOIA requests from ten days to twenty days. Attorney General Janet Reno has acknowledged the inability of most federal agencies to comply with the ten-day rule ''as a serious problem'' stemming principally from ''too few resources in the face of too heavy a workload.''

Estimation of Matter Denied.—The bill would require agencies when denying a FOIA request to make reasonable efforts to estimate the volume of any denied material and provide that estimate to the requester, unless doing so would harm an interest protected by an exemption pursuant to which the denial is made.

Section 9. Computer Redaction. The ease with which information on the computer may be redacted makes the determination of whether a few words or 30 pages have been withheld by an agency at times impossible. The bill would require agencies to indicate deletions of the released portion of the record and, where technically feasible, to indicate the deletion at the place on the record where the deletion was made, unless including that indication would harm an interest protected by an exemption pursuant to which the deletion is made.

Section 10. Report to the Congress. This section would add to the information an agency is already required to publish as part of its annual report. Specifically, agencies would be required to publish in its annual reports information regarding denials of requested records, appeals, a complete list of statutes upon which the agency relies to withhold information under Section 552(b)(3), which exempts information that is specifically exempted from disclosure by other statutes, the number of backlogged FOIA requests, the number of days taken to process requests, the amount of fees collected, and staff devoted to processing FOIA requests. The annual reports would be required to be made available to the public, including by computer telecommunications means. If an agency does not have the means established to make the report available on-line, then the report should be made available in some other electronic form. The Attorney General is required to make each report available at a single electronic access point, and advise certain Members of Congress that such reports are available.

The Attorney General and the Director of the Office of Management and Budget are required to develop reporting guidelines for the annual reports by October 1, 1997.

Section 11. Reference Materials and Guides. The bill would require agencies to make publicly available, upon request, reference material or a grade for requesting records or information from an agency. This guide would include an index and description of all major information systems of an agency, and a handbook for obtaining various types and categories of public information from an agency.

Section 12. Effective Date. To provide agencies time to implement new requirements under the Act, Sections 7 and 8 of the bill concerning multitrack and expedited processing, unusual and exceptional circumstances, the doubling of the statutory time period for responding to FOIA requests, and estimating the amount of material to which access is denied, will take effect 180 days after the date of enactment, and the remainder of the Act will become effective one year after the date of enactment.

## COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, S. 1965, which was introduced earlier by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

A bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, a number of us have spent countless hours trying to devise a plan to turn back the dreadful tide of methamphetamine abuse which is now beginning to flow westward across the United States, threatening to engulf both cities and rural areas.

We have now crafted such a plan, a bipartisan plan which meets those goals, we have introduced as S. 1965, the Comprehensive Methamphetamine Control Act of 1996.

I rise to ask my colleagues' support for this legislation and for the amendments to that bill that have allowed it to win near unanimous support.

Mr. President, we have all seen the recent alarming reports indicating that drug abuse has increased during the tenure of the Clinton administration.

Today, the Congress can take an important step to curb our nation's recent backsliding on the drug issue.

I am proud to point out that this is a bipartisan measure—I think this is how drug policy should be made—and I wish to thank all of our cosponsors: Senators BIDEN; GRASSLEY; FEINSTEIN; WYDEN; DASCHLE; DEWINE; SPECTER; D'AMATO; HARKIN; ASHCROFT; REID; KYL; FEINGOLD; and MCCAIN.

I wish to thank especially the ranking member of the Judiciary Committee, Mr. BIDEN, for his help in developing this legislation.

I can report to my colleagues in the Senate that the House Judiciary Committee is also at hard work on this issue—they have a markup scheduled for tomorrow—so I think it is very possible, indeed highly probable, that we will send a bill to the President before adjournment. That time cannot come soon enough.

Two weeks ago, I testified before the House Judiciary's Subcommittee on Crime, which held a hearing on the meth epidemic. I was encouraged at that hearing by the efforts of Chairman MCCOLLUM and Representatives HEINEMAN, SCHUMER and FAZIO, who are working with us to get a bill we can all endorse.

We developed this bill in close consultation with the Department of Justice and the Drug Enforcement Administration. Indeed, General McCaffrey, Director of the Office of National Drug Control Policy, has testified before the Judiciary Committee that he supports our legislation, so I am certain that the President will sign the bill once the House completes it work on this measure.

Frankly, it is time for this administration to show that the war against drugs is a top national priority. A responsibility of those in leadership positions is to give first attention to the most important problems and this is certainly one.

Mr. President, meth is a killer. We know that meth-related deaths are up dramatically from 151 in 1991 to 433 in 1994.

We know that methamphetamine-related hospital admissions are up about 300 percent in the last 5 years.

Seizures or illegal meth labs are up all over the country and even in my home State of Utah. Illicit lab seizures in Utah increased from 13 in 1994 to 56 in 1995. In 1996, there have already have been 40 meth lab seizures in my State.

Given this pernicious trend, the time to act is now. We must act in a comprehensive fashion and that is what this bill does.

S. 1965 increases the penalties for illegal manufacture and distribution of methamphetamine and its precursors chemicals. It also increases penalties for illegal possession of and trafficking in illicit methamphetamine.

In a careful balance, S. 1965 also reduces single transaction reporting requirements for sales of over-the-counter pseudoephedrine and phenylpropanolamine products to 24 grams. At the same time, our proposal creates a safe harbor for legitimate cough and cold products sold in blister packs at the retail level at quantities of up to 3 grams.

The Comprehensive Methamphetamine Control Act establishes new reporting requirements for firms selling these products through the mail, since law enforcement officials have found that mail order sales are a significant source of diversion.

I believe that education and research are key to efforts to stop drug abuse, and our bill contains a separate title which makes them a top priority.

The bill creates an interagency task force on the methamphetamine epidemic which will coordinate efforts across the Government. It requires that the Secretary of Health and Human Services develop a public health monitoring program, which will collect and disseminate data which can be used in policy development.

The bill also established a public-private education program, an advisory panel of Federal, State and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals.

As I have said, Mr. President, this bill is the product of long and hard negotiations among many parties.

None of us are completely comfortable with every provision, but taken as a whole we are confident the bill will meet our common goal.

An important component of the bill we introduced, as well as the Clinton administration's proposal, were mandatory minimum sentences for meth dealers. The bill we pass today does not contain those ''mandatory minimums,'' due to adoption of the Kennedy-Simon amendment.

From my perspective, the Kennedy-Simon language on sentencing will not be as effective as the mandatory minimums that were contained in the original version of the bill. My colleagues should note that this bill would not have passed without our accepting the Kennedy-Simon amendment. The sponsors of this amendment were rather clear in expressing their desire to keep this bill from passing by unanimous consent without the change embodied in their amendment. In the 105th Congress, it is my intention to pursue enactment of these penalties. In the interest of passing a bill in an expeditious fashion, I have reluctantly agreed to accept the Kennedy-Simon amendment.

Another troublesome aspect of the compromise is the manner in which combination ephedrine products are treated. In the bill we are about to adopt, such products are treated differently than pseudoephedrine or phenylpropanolamine products. The chief difference is that the combination ephedrine products are not permitted to take advantage of the 3 gram, blister pack rule that is afforded to pseudoephedrine and phenylpropanolamine products.

I do not know of, and understand that the Drug Enforcement Agency does not know of, any public policy justification for this difference in treatment of products. One possible—perhaps likely—result will be to decrease the public's legitimate access to these products. I think this is unfortunate, and I hope this provision can be revisited.

I would also like to comment on a few of the changes we made in the bill after its introduction. These changes are embodied in the Hatch-Biden-Wyden-Grassley-Feinstein technical correction amendment.

One such change, which I believe is a significant improvement, is to provide guidance of what evidence the Department of Justice may use in examining whether the safe harbor provisions that affect certain products—those products sold in blister packs in quantities of 3 grams or less—are being diverted. We have clarified that isolated or infrequent use, or use of small quantities of these products, cannot be used to close the 3 gram, blister pack safe harbor for pseudoephedrine and phenylpropanolamine products.

As we crack down on those who make and sell illegal drugs we must also balance the interests of the millions of our citizens who benefit from legitimate over-the-counter drug products. Only if there is solid evidence of systemic abuse of 3 gram, blister pack retail sales should any further steps be taken that would impede the ability of ordinary, law-abiding Americans to have access to safe and effective cold remedies upon which they have come to rely.

We must give the safe harbor provisions a fair test, and that is why the revised bill requires consultation with the Secretary of Health and Human Services and departmental reporting to Congress if the Justice Department believes the safe harbor should be breached.

Make no mistake about it, without the 3 gram, blister pack provision, many legitimate distributors of over-the-counter products would likely choose not to offer pseudoephedrine and phenylpropanolamine products. This is so because without this safe harbor language legitimate distributors of these over-the-counter products risk triggering the reporting and record keeping provisions and criminal sanctions that are attendant to regulated sales.

At the request of the DEA, we included two important provisions. One makes the effective date of the so-called ''safe harbor'' provision effective for products on the shelf one year after enactment. The original bill had an effective date for products initially introduced into interstate commerce

prior to 9 months after the date of enactment.

The other provision allows the DEA to begin immediately upon enactment to collect data used to determine if the safe harbor provision should not be retained.

I would also like to comment on another critical provision of the Hatch-Biden-Wyden-Grassley-Feinstein amendment, which is that it takes the unusual step of legislatively overriding a regulation. This provision was made necessary due to the fact that, on August 7, 1996, the DEA promulgated a final rule with respect to certain pseudoephedrine products.

The DEA had been involved, almost daily, in the negotiations over the development of the bill prior to promulgation of this final rule. I take the unilateral action on the part of the DEA to issue that rule—without any notice to the relevant committees—to be unfortunate bureaucratic judgment or a snafu.

I have accepted the assurances of DEA Administrator Tom Constantine that this was an inadvertent error and that such failure to communicate, particularly when it could jeopardize good faith work toward a common goal, will not occur in the future.

As chairman of the Judiciary Committee, I plan to continue to work closely with the DEA and Department of Justice as we plan, implement, and oversee our Nation's battle against drug abuse. It is important that we work together.

Finally, as a result of testimony at the House hearing, we have added two provisions to the bill. One allows the effective date to be extended up to 6 months at the sole discretion of the administration. The second allows manufacturers to petition for reinstatement from the legal drug exemption; the Attorney General may grant such an exemption if she finds that the product is manufactured and distributed in a manner which prevents diversion.

On balance, I think that these provisions represent a reasonable compromise.

We have all strived to keep in mind our topmost goal: curbing methamphetamine abuse. The bill we are considering today meets that goal. It is comprehensive, it is tough, and it is much needed.

I hope that we will approve the amended version of S. 1965 quickly, so that the House may consider the measure, and we can move it swiftly downtown to the President for his signature.

Mr. BIDEN. Mr. President, the story of our failure to foresee—and prevent—the crack cocaine epidemic is one of the most significant public policy mistakes in modern history. Although warning signs of an outbreak flared over several years, few took action until it was too late.

We now face similar warning signs with another drug—methamphetamine. Without swift action now, history may repeat itself.

In July, Senator HATCH and I, along with Senators FEINSTEIN, FEINGOLD, DASCHLE, GRASSLEY, SPECTER, HARKIN, WYDEN, D'AMATO, KYL, REID, ASHCROFT, MCCAIN, and DEWINE introduced legislation to address this new emerging drug epidemic before it is too late.

Within the past few years the production and use of methamphetamine have risen dramatically. Newspaper and media reports over the past few months have highlighted these increases. I have been tracking this development and pushing legislation to increase Federal penalties and strengthen Federal laws against methamphetamine production, trafficking, and use since 1990.

And what I and others have found is alarming:

From 1991 through 1994 methamphetamine related emergency room episodes increased 256 percent—the increase from 1993 to 1994 alone was 75 percent—with more than 17,000 people overdosing and being brought to the emergency room because of methamphetamine.

A survey of high school seniors, which only measures the use of ''ice''—a fraction of the methamphetamine market—found that in 1995 86,000 12th graders had used ice in the past year, 39,000 had used it in the past month, and 3,600 reported using ice daily. This same survey found that only 54 percent of high school seniors perceived great risk in trying ice—down from 62 percent in 1990. And 27 percent of these children said it would be easy for them to get ice if they wanted it.

The cause for concern over a methamphetamine epidemic is further fueled by drug-related violence—again something we saw during the crack era—that we can expect to flourish with methamphetamine as well. Putting the problem in perspective, drug experts claim that ''ice surpasses PCP in inducing violent behavior.''

In addition to the violence—both random and irrational—associated with methamphetamine users, there is also the enormous problem of violence among methamphetamine traffickers and the environmental and life-threatening conditions endemic in the clandestine labs where methamphetamine is produced.

The bill the Senate is considering addresses all of the dangers of methamphetamine and takes bold actions to stop this potential epidemic in its tracks. Specifically, the Hatch-Biden methamphetamine enforcement bill will take six major steps toward cracking down on methamphetamine production, trafficking, and use, particularly use by the most vulnerable population threatened by this drug—our young people.

First and foremost, we increase penalties for possessing and trafficking in methamphetamine.

Second, we crack down on methamphetamine producers and traffickers by increasing the penalties for the illicit possession and trafficking of the precursor chemicals and equipment used to manufacture methamphetamine.

Third, we increase the reporting requirements and restrictions on the legitimate sales of products containing these precursor chemicals in order to prevent their diversion, and we impose even greater requirements on all firms which sell these product by mail. This includes the use of civil penalties and injunctions to stop ''legitimate'' firms from recklessly providing precursor chemicals to methamphetamine manufacturers.

Fourth, we address the international nature of methamphetamine manufacture and trafficking by coordinating international enforcement efforts and strengthening provisions against the illegal importation of methamphetamine and precursor chemicals.

Fifth, we ensure that methamphetamine manufacturers who endanger the life on any individual or endanger the environment while making methamphetamine will receive enhanced prison sentences.

Finally, we require Federal, State, and local law enforcement and public health officials to stay ahead of any potential growth in the methamphetamine epidemic by creating national working groups on protecting the public from the dangers of methamphetamine production, trafficking, and abuse.

The Hatch-Biden bill addresses all of these needs with a fair balance between the needs of manufacturers and consumers of legitimate products which contain methamphetamine precursor chemicals and the need to protect the public by instituting harsh penalties for any and all methamphetamine-related activities.

This legislation is the crucial, comprehensive tool we need to stay ahead of the methamphetamine epidemic and to avoid the mistakes made during the early stages of the crack-cocaine explosion.

I want to thank Senator HATCH and my other colleagues who share my desire to move now on the problem of methamphetamine. I also want to thank the Clinton administration, which also was determined to act now on this issue and worked with us in developing several of the provisions in this bill.

I urge all my colleagues to join us in protecting our children and our society from the devastations of methamphetamine by supporting this vital legislation.

Mr. WYDEN. Mr. President, I rise as an original cosponsor of the Comprehensive Methamphetamine Control Act of 1996, S. 1965, to urge its swift enactment.

Today, the Senate is telling drug dealers that we aren't going to let methamphetamine become the crack of the 1990s. By passing the Comprehensive Methamphetamine Control Act, the Senate is taking decisive action to

stem the tide of the methamphetamine epidemic that has sunk its claw into communities in Oregon and across the Nation.

I do not believe we are acting a moment too soon. Last year in Oregon, 52 deaths were tied to methamphetamine. By comparison, Oregon's Office of Alcohol and Drug Abuse Programs reported that there was only one meth-related death in 1991. Meth-related arrests are rising across my State: Over the last 5 years in Jackson County, meth-related violations rose 1,100 percent, while in Malheur County, meth-related arrests jumped 110 percent from 1993 to 1994. In Portland, police seizures of meth increased 145 percent from 1994 to 1995.

Since this bill was introduced in June, I have met with Oregonians from across the State who have told me about the need for a tough Federal response to the meth crisis. In Medford, I attended a Methamphetamine Awareness Conference, where law enforcement officials joined with public health experts and other social service providers to discuss the need for a comprehensive approach to the meth problem. In Portland, I convened a round table so law enforcement officials from across the State could focus on how Federal, State, and local law enforcement can come together to take on the methamphetamine crisis. Everywhere I go, the refrain is the same—the problem is growing, as is its grip on our communities.

The Comprehensive Methamphetamine Control Act will aid in turning the tide against the methamphetamine menace by giving law enforcement much needed new tools to combat this deadly drug.

The legislation goes after the source of the methamphetamine problem—the precursor chemicals, often found in legal, over-the-counter drug products, which are used to manufacture methamphetamine and its ugly cousin, amphetamine. While still allowing consumers access to many helpful and commonly used products containing the precursor chemicals, the bill will place significant restrictions on the bulk sale of the chemicals, both through the mail and over the counter. The legislation will also increase the penalties for the illegal possession and trafficking of the precursor chemicals and the equipment used to manufacture the controlled substances and will allow law enforcement increased flexibility to obtain injunctions to stop the illegal production and sale of precursor chemicals.

This legislation addresses the international trafficking in precursor chemicals by imposing a maximum 10-year penalty on the manufacture outside the United States of precursor chemicals with the intent to import the chemical into this country.

Back at home, the bill will increase penalties for those convicted of possessing and trafficking in methamphetamine. Penalties for methamphetamine trafficking have been too low for too long, and I hope the enhanced penalties will make drug dealers think twice before they peddle their poison. The bill will also ensure that methamphetamine manufacturers who put the life of any person at risk or endanger the environment will receive longer prison sentences.

Finally, I think that all our efforts at enforcing penalties against traffickers and users are going to be for naught unless we work to get at the root of the problem, which is the addiction to this deadly substance. I am pleased that this legislation will expand education, treatment and research activities related to methamphetamine.

While the Comprehensive Methamphetamine Control Act will make a difference in the battle against this deadly drug, there should be no doubt that we will all need to remain engaged so we can counter the challenges posed by the methamphetamine crisis and by other illegal drugs, which are eating away at our Nation's youth.

I commend the fine bipartisan effort that went into crafting this bill. My colleagues, led by Chairman HATCH and Senators BIDEN and FEINSTEIN, deserve praise for their commitment and cooperation on this matter. As we all seek to stamp out drug abuse in this country, I hope the partisan spirit that permeated this bill can be a harbinger of good things to come.

Mr. DASCHLE. Mr. President, I rise in support of this important and much-needed bill. Law enforcement officers in my state of South Dakota know firsthand the serious impact the use of methamphetamines or ''meth'' has had on the State. Easily made from legally available chemicals—indeed, instructions for manufacturing the drug can be found on the Internet—meth is relatively cheap because local manufacturing eliminates the need for illegal smuggling. Highly addictive and capable of producing sharp personality alterations, violent episodes, and brain damage in users, the drug imposes a tremendous cost on our communities, families and law enforcement resources.

Methamphetamines have been linked with several violent crimes in South Dakota. In the last year, a contract-killing and a murder-suicide were both attributable to use of this drug. The DEA has registered an increase in the percentage of arrests due to meth in South Dakota from around 20 percent of the total arrest rate to 70 percent. And users often harm themselves as well. From 1991 through 1994, emergency room episodes caused by use of this drug increased 256 percent nationwide.

This bill addresses this emerging drug epidemic by increasing Federal penalties and strengthening Federal laws against production, trafficking and use of methamphetamines; increasing penalties for illicit possession and trafficking of precursor chemicals and equipment used to make the drug; increasing reporting requirements and restrictions on legitimate sales of products containing these precursor chemicals to prevent their diversion to illegal use; and strengthening provisions against illegal importation of methamphetamine and precursor chemicals.

I urge my colleagues to provide needed tools to our law enforcement officers by joining the fight against this dangerous drug. We should and we must pass this bill.

Mr. FEINGOLD. Mr. President, I rise today in support of S. 1965, the Comprehensive Methamphetamine Control Act of 1996. I am pleased to join many of my colleagues from the Judiciary Committee, including Chairman HATCH and the ranking member, Senator BIDEN, as a cosponsor of this legislation.

This bill is an important step in attempting to halt the spread of methamphetamine across this Nation. Methamphetamine is a dangerous synthetic drug which stimulates the central nervous system and can lead to such unfortunate consequences, as death, violent and uncontrollable behavior and severe depression. Methamphetamine is similar to another synthetic drug which appeared in my home State of Wisconsin in the recent past, methcathinone or cat as it is commonly known. Thankfully, through the hard work of law enforcement, both Federal and local, throughout the upper Midwest, it appears that methcathinone remains a relatively isolated problem. In contrast, however, the use of methamphetamine appears to be spreading.

While use of methamphetamine creates responses similar to that of crack cocaine, reactions to methamphetamine have been far more severe and longer in duration than those of crack or cocaine. Furthermore, in recent years the purity of this drug has increased, thus enhancing the potential for violent reactions among its users. The consequences of this are serious, not only for the user, but for society as well. Drug abuse can often lead to crime or violent behavior, possibilities which may be amplified when methamphetamine is involved. A recent national conference of Federal, State and local law enforcement indicated that law enforcement must become prepared to deal with more violent offenders who have abused methamphetamine.

The re-emergence of this drug can be traced to the early 1990's when Mexican drug traffickers began to increase their production and importation of methamphetamine in the United States. Although originally produced primarily in Mexico, the clandestine labs which generate methamphetamine have begun to appear in this nation. Initially, the devastating presence of this drug was largely restricted to the Western United States, predominately in California and Arizona. For the period of 1991 through 1994, methamphetamine related deaths increased by 176

percent for the cities of Los Angeles, Phoenix, San Diego, and San Francisco. In the city of Phoenix the number of methamphetamine related emergency room incidents increased by 370 percent for that same 4-year period. Nationwide, the number of emergency room incidents increased 350 percent from 1991 to 1994. While originally restricted to the western part of the United States, it appears that the drug has begun an eastward migration to parts of the Midwest. Mr. President, there can be no doubt that the consequences of using this drug are serious. We must take steps to address this growing problem and this legislation does just that.

S. 1965 includes provisions to strengthen and enhance penalties for the trafficking of methamphetamine. It increases penalties for the illegal possession and trafficking of precursor chemicals, those chemicals which are used to produce this deadly drug. The bill increases penalties for the illegal manufacture and possession of equipment used to construct the clandestine labs which generate methamphetamine and other controlled substances. Another troubling facet of this drug, which this bill addresses, is that the labs which produce this drug often pour volatile and lethal chemicals into the environment. This bill increases the penalties for those individuals who endanger the lives of innocent people and law enforcement as well as threaten the environment by operating these labs.

Because many of the components of methamphetamine are products which are otherwise legally available, the bill tightens restrictions on the sale and importation of the precursor chemicals used by methamphetamine traffickers. It enhances reporting requirements for pseudoephedrine or phenylpropanolamine, both important components in the production of methamphetamine. In short, Mr. President, in addition to punishing those individuals who market in this deadly drug, the bill addresses the important issue of regulating precursor chemicals which are essential to drug traffickers. Finally Mr. President, this legislation establishes an interagency task force to visit the growing problem of methamphetamine abuse and develop and implement a national strategy of education, prevention, and treatment. Further, the Secretary of Health and Human Services is charged with monitoring the level of methamphetamine abuse in the United States in order to assist public health officials in developing responses to this problem.

Clearly, Mr. President, the problems of drug which confront this Nation are complex and challenging. It will require a long-term commitment by all of us. We must coordinate law enforcement and tough sanctions with effective and adequately funded education, prevention and treatment initiatives. This legislation is clearly just one portion of what must be a larger approach to the issue of drug abuse, but it is, in my opinion, an important and necessary step in addressing the consequences of methamphetamine. I want to again thank the Senator from Delaware, Senator BIDEN, and Senator HATCH for their leadership on this bill. I am proud to join them in this effort and pleased that the Senate has chosen to adopt this important legislation.

Mr. HARKIN. Mr. President, as an original cosponsor of the Comprehensive Methamphetamine Control Act, I am pleased that the Senate is acting quickly to take this important step in our fight against drugs. Meth is destroying lives, families, and communities across Iowa and across the country. Just last week Des Moines police reported that marijuana use in the city is on the rise and that the increase is being driven by the popularity of methamphetamine. For Iowa, and many other States, this bill passage of this legislation can't come fast enough.

As Iowa's new drug of choice, meth has left no part of our State untouched. In a word, meth is poison. This dangerous and popular drug is cheap and easy to access. In Iowa, the street price for one gram of meth is $100, similar to that of cocaine. However, unlike cocaine whose effects last about 20 minutes, one quarter of a gram of meth will last about 12 to 14 hours. A leading Iowa doctor referred to meth as ''the most malignant, addictive drug known to mankind.''

There is no doubt that the time for this legislation is now. Federal methamphetamine investigations have doubled and meth arrests have more than tripled over the past 2 years. The Division of Iowa Narcotics Enforcement reported a nearly 400 percent increase in meth seizures in a one year period. And in our largest city, Des Moines, meth seizures increased more than 4,000 percent.

The legislation we are passing today takes bold actions to help States like Iowa fight back. The Comprehensive Methamphetamine Enforcement Act stiffens penalties for the possession and trafficking of this deadly poison and cracks down on producers and traffickers by increasing penalties for the illicit possession of the chemicals and equipment used to manufacture methamphetamine. The bill increases restrictions and reporting requirements on companies who supply the ingredients for its production and creates national working groups comprised of public health officials and local law enforcement to develop strategies to continue to fight this budding epidemic.

Iowans have worked hard to cultivate a good quality of life. They have worked hard to make their communities a place to raise a family, a safe place, a decent place. But meth producers and dealers are peddling poison and wreaking havoc on small towns and communities across our State.

I appreciate the efforts of Senators HATCH and BIDEN, the chair and ranking member of the Senate Judiciary Committee and look forward to working with them to ensure this legislation gets to the President this year.

AMENDMENTS NOS. 5365 AND 5366, EN BLOC

Mr. MCCAIN. I understand that there are two amendments at the desk, one submitted by Senator HATCH and one submitted by Senator KENNEDY.

I ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), proposes amendments numbered 5365 and 5366, en bloc.

The amendments (Nos. 5365 and 5366), en bloc, are as follows:

AMENDMENT NO. 5365

(Purpose: To make certain technical and conforming amendments)

On page 9, line 2, strike ''or facilitate to manufacture'' and insert ''or to facilitate the manufacture of''.

On page 10, line 8, strike ''IMPORTATION REQUIREMENTS'' and insert ''IMPORTATION AND EXPORTATION REQUIREMENTS''.

On page 11, line 9, strike the comma after ''item''.

On page 11, line 12, strike beginning with ''For purposes'' through line 21 and insert ''For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.''.

On page 14, line 24, strike ''Iso safrole'' and insert ''Isosafrole''.

On page 15, between lines 5 and 6, add the following:

**SEC. 210. WITHDRAWAL OF REGULATIONS.**

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with '', except that'' through ''transaction'' on page 22, line 6, and insert '', except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction''.

On page 22, line 8, strike ''abuse'' and insert ''offense''.

On page 23, strike lines 1 through 14 and insert the following:

''(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike ''The'' and insert the following: ''Pursuant to subsection (d)(1), the''.

On page 25, line 17, strike ''effective date of this section'' and insert ''date of enactment of this Act''.

On page 26, line 1, after ''being'' insert ''widely''.

On page 26, line 4, strike ''in bulk'' and insert ''for distribution or sale''.

On page 27, line 15, strike ''effective date of this section'' and insert ''date of enactment of this Act''.

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term ''combination ephedrine product'' means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike ''(f)'' and insert ''(g)''.

On page 29, line 17, strike all beginning with ''over-the-counter'' through line 20 and insert ''pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review.''

On page 35, line 5, after ''funds'' insert ''or appropriations''.

---

AMENDMENT NO. 5366

(Purpose: To provide enhanced penalties for offenses involving certain listed chemicals)

Strike sections 301 and 302 and insert the following:

**SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.**

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

**SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.**

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking ''not more than 10 years,'' and inserting ''not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,''.

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking ''not more than 10 years,'' and inserting ''not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

Mr. MCCAIN. I ask unanimous consent that the amendments be considered read, and agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 5365 and 5366) en bloc were agreed to.

The bill (S. 1965), as amended, was deemed read a third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. GRASSLEY. Mr. President, today I am pleased to say that S. 1965—what we call the meth bill—has finally passed. I want to thank all Members for letting this important piece of legislation get through the Senate.

S. 1965, a bipartisan bill, takes aim at a rapidly growing problem in America and in Iowa—the abuse of methamphetamine, known on the street as ''meth'' or ''crank.''

I am from Iowa—a rural state which most people do not associate with rampant crime or drug use. But in Iowa today, meth use has increased dramatically. According to a report prepared by the Governor's Alliance on Substance Abuse, seizures of meth in Des Moines increased an astounding 4,000 percent from 1993 to 1994. I repeat: meth seizures in Des Moines increased by 4,000 percent. The increase statewide was 400 percent.

These numbers are scary, Mr. President.

And according to the Iowa Department of Public Health, 7.3 percent of Iowans seeking help from substance abuse treatment centers in 1995 cited meth as their primary addiction. That's up over 5 percent from 1994, when only 2.2 percent cited meth as their primary addition.

Why has meth become such a problem? I don't think anyone knows definitively, but experts have been able to identify some of the reasons.

Meth is cheap. A meth high lasts for a very, very long time, so you get more

for your money. And perhaps most disturbingly, meth does not have the stigma associated with cocaine and crack. Kids know that crack is dangerous. But they haven't yet learned that meth is.

In Waterloo, Iowa, though, people are beginning to learn this sad and painful lesson. According to the New York Times, a 17-year-old Iowan who had been a good boy, descended into meth addiction. His behavior changed for the worse. Last October, this young man checked himself into the hospital because he believed that he had the flu. He died only days later because meth had so destroyed his immune system that he developed a form of meningitis. I'll never forget the words of this boy's mother: ''He made some wrong decisions and this drug sucked him away.'' I wonder how many more young Americans are going to be ''sucked away'' before we get a handle on the meth problem.

Mr. President, what America is facing today with the explosion in meth use is nothing short of an epidemic. Meth is cheap and easily manufactured from commonly available chemicals. Today, the Senate is striking at the root of the problem: Chemical suppliers who sell chemicals to illegal meth labs. The harder it is for criminal chemists to get the raw material to make meth, the more difficult it will be to produce. This in turn will make it more expensive. And this will reduce consumption. And that will help keep our kids alive a little longer.

Importantly, this bill preserves the flexibility of States to enact their own laws to deal with the manufacture of meth. Some very powerful chemical companies have tried to weaken this bill by preempting the States. I think that is just wrong-headed and I am pleased that the Senate has rejected this effort.

Some of the chemical companies also tried to create so-called safe harbors so large that enormous bulk purchases of meth ingredients would never have to be reported to the DEA. That means criminals could go to the corner drugstore, purchase legal products like pseudoephedrine in large quantities and make poison with no one the wiser. And then that poison is sold to our kids.

While the Senate has had to make some compromises I wouldn't have wanted to make in a perfect world—like the blister-pack exception for pseudoephedrine—I think that this bill represents a major step forward.

This is a good, strong bill and I'm proud that it has passed.

Finally, Mr. President, I especially want to take my hat off to Senator FEINSTEIN for her work on this bill. More than any other Senator, DIANNE FEINSTEIN worked tirelessly to make sure that we could get the strongest possible meth bill. I just want the American people to know what a tremendous job she's done.

Mr. President, in the 1980's, we almost lost a generation to crack and powder cocaine. Let's not get that close to the edge again. I'm proud that the Senate today has stood up to the chemical companies, stood up to the drug dealers and passed this crucial piece of legislation.

## AUTHORIZING THE CAPITOL GUIDE SERVICE TO ACCEPT VOLUNTARY SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2085 introduced earlier by Senators WARNER and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2085) to authorize the Capitol Guide Service to accept voluntary services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2085) was deemed read a third time and passed, as follows:

S. 2085

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

That section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by striking subsection (j) and inserting the following:

''(j)(1) Notwithstanding section 1342 of title 31, United States Code, the Capitol Guide Service is authorized to accept voluntary personal services.

''(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5, United States Code.

''(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

''(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.''.

## PRINTING OF THE REPORT OF THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from S. Con. Res. 67 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 67) to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 67) was agreed to, as follows:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring),* That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $45,000.

## DISAPPROVAL OF THE RULE SUBMITTED BY THE HEALTH CARE FINANCING ADMINISTRATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Joint Resolution 60 introduced earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 60) to disapprove the rule submitted by the Health Care Financing Administration on August 30 relating to hospital reimbursement under the Medicare program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the joint resolution be deemed not passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 60) was deemed not passed.

## CONDEMNING HUMAN RIGHTS ABUSES AND DENIALS OF RELIGIOUS LIBERTY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate