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CONGRESSIONAL RECORD—SENATE

31117

Abuse Prevention and Treatment

Sec. 121. Expansion of methamphetamine research.

Sec. 122. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.

Sec. 123. Expansion of methamphetamine abuse prevention efforts.


Subtitle D—Reports

Sec. 131. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

Sec. 132. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Sec. 201. Enhanced punishment for trafficking in list I chemicals.

Sec. 202. Mall order requirements.

Sec. 203. Advertisements for drug paraphernalia.

Sec. 204. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.

Sec. 205. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

Subtitle B—Other Matters

Sec. 211. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

TITLE III—MISCELLANEOUS

Sec. 301. Notice; clarification.

Sec. 302. Antidrug messages on Federal Government Internet websites.

Sec. 303. Severability.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

Sec. 101. Enhanced punishment of amphetamine laboratory operators.

Sec. 102. Enhanced punishment of amphetamine or methamphetamine laboratory operators.

Sec. 103. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.

Sec. 104. Methamphetamine paraphernalia.

Subtitle B—Enhanced Law Enforcement

Sec. 111. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.

Sec. 112. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.

Sec. 113. Training of Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.

Sec. 114. Combating methamphetamine and methamphetamine in high intensity drug trafficking areas.

Sec. 115. Combating methamphetamine and methamphetamine manufacturing and trafficking.

case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) In General.—An edition of the brochure entitled “How Our Laws Are Made”, as revised under the direction of the Parliamentarian of the House of Representatives, for consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing; or

(b) ANNOTATED COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $35,523,712, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) In General.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing; or

(b) ANNOTATED COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.


(a) In General.—There shall be printed as a Senate document the book entitled “Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861”, prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives; or

(b) ANNOTATED COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE (DEFEAT METH) ACT OF 1999

HATCH AMENDMENT NO. 2794

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the bill (S. 486) to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; as follows:

Strike page 9, line 16, and all that follows through page 50, line 22, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Methamphetamine Anti-Proliferation Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

Sec. 101. Enhanced punishment of amphetamine laboratory operators.

Sec. 102. Enhanced punishment of amphetamine or methamphetamine laboratory operators.

Sec. 103. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.

Sec. 104. Methamphetamine paraphernalia.

Subtitle B—Enhanced Law Enforcement

Sec. 111. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.

Sec. 112. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.

Sec. 113. Training of Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.

Sec. 114. Combating methamphetamine and methamphetamine in high intensity drug trafficking areas.

Sec. 115. Combating methamphetamine and methamphetamine manufacturing and trafficking.

Subtitle C—Abuse Prevention and Treatment

Sec. 121. Expansion of methamphetamine research.

Sec. 122. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.

Sec. 123. Expansion of methamphetamine abuse prevention efforts.


Subtitle D—Reports

Sec. 131. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

Sec. 132. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Sec. 201. Enhanced punishment for trafficking in list I chemicals.

Sec. 202. Mall order requirements.

Sec. 203. Advertisements for drug paraphernalia.

Sec. 204. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.

Sec. 205. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

Subtitle B—Other Matters

Sec. 211. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

TITLE III—MISCELLANEOUS

Sec. 301. Notice; clarification.

Sec. 302. Antidrug messages on Federal Government Internet websites.

Sec. 303. Severability.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.),

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall give due consideration to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and
(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) 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 illegal substances or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;
(2) the high risk of amphetamine addiction;
(3) the increased risk of violence associated with amphetamine trafficking and abuse; and
(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1967 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 944(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 5 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 103. MANDATORY RESTITUTION FOR VIOLATION OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking “may” and inserting “shall”;

(2) by inserting “’amphetamines or’ before “methamphetamine” each place it appears; and

(3) in paragraph (2)—

(A) by inserting ‘‘, the State or local government concerned, or both the United States and the State or local government concerned’’ after ‘‘United States’’ the first place it appears; and

(B) by inserting ‘‘or the State or local government concerned, as the case may be,’’ after ‘‘United States’’ the second place it appears; and

(4) in paragraph (3), by striking ‘‘section 3663 of title 18, United States Code’’ and inserting ‘‘section 3663A of title 18, United States Code.’’

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended in paragraph (3) by inserting “amphetamine or” before “amphetamine or methamphetamine”.

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) AMOUNTS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine are amended by subsection (a) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal of hazardous substances or pollutants or contaminants.

SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING AMPHETAMINE OR METHAMPHETAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”;

(2) by inserting before the semicolon at the end of paragraph (2) the following: “and

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall
carry out the programs described in subparagraph (B) to State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of chemicals used by illegal amphetamine and methamphetamine laboratories; and
(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated for
(1) $1,500,000 to carry out the program described in subsection (b)(1);
(2) $3,000,000 to carry out the program described in subsection (b)(2);
(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 114. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—The Director of the Drug Enforcement Administration shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated for
(1) $15,000,000 for fiscal year 2000; and
(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) USE OF FUNDS.—Amounts made available under this section may be used for—
(1) to acquire and install mobile clandestine laboratory training equipment;
(2) to establish additional resident offices and training centers for the purpose of training additional Federal law enforcement personnel for purposes of enabling such personnel to provide information and training; and
(3) to support other activities authorized by this section.

SEC. 115. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—
(1) assist State and local law enforcement, including the appropriate training of personnel related to such manufacturing and trafficking;
(2) staff additional regional enforcement and mobile laboratories in areas related to such manufacturing and trafficking;
(3) establish additional resident offices and posts of duty to assist State and local law enforcement agencies in combating such manufacturing and trafficking;
(4) provide the Special Operations Division of the Drug Enforcement Administration with additional agents and resources to conduct targeted investigations; and
(5) disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations.

(b) USE OF FUNDS.—Amounts made available under this section may be used for—
(1) to acquire and install mobile clandestine laboratory training equipment;
(2) to establish additional resident offices and training centers for the purpose of training additional Federal law enforcement personnel for purposes of enabling such personnel to provide information and training; and
(3) to support other activities authorized by this section.

SEC. 116. CONSTRUCTION AND RESEARCH.

(a) IN GENERAL.—The Director of the Institute may make grants or enter into cooperative agreements for construction, research, and development related to high intensity drug trafficking areas designated by the Director as high intensity drug trafficking areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated for
(1) such sums as may be necessary for purposes of carrying out the activities authorized by subsection (a) in each of fiscal years 2001 through 2004; and
(2) such sums as may be necessary for purposes of carrying out the activities authorized by subsection (a) in each of fiscal years 2005 through 2009.

(c) USE OF FUNDS.—Amounts made available under this section may be used for—
(1) to support construction, research, and development related to high intensity drug trafficking areas designated by the Director as high intensity drug trafficking areas; and
(2) to support other activities authorized by this section.

SEC. 117. EXPANSION OF M ETHAMPHETAMINE RESEARCH.

(a) IN GENERAL.—The Director of the Institute may make grants or enter into cooperative agreements for construction, research, and development related to high intensity drug trafficking areas designated by the Director as high intensity drug trafficking areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated for
(1) such sums as may be necessary for purposes of carrying out the activities authorized by subsection (a) in each of fiscal years 2001 through 2004; and
(2) such sums as may be necessary for purposes of carrying out the activities authorized by subsection (a) in each of fiscal years 2005 through 2009.
"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the relationship between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine abuse and addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) Research results.—The Director shall make research results under this subsection available to Federal, State, and local government authorities of Indian tribes recognized by the United States in each year that such tribes request them.

"(4) Authorization of Appropriations.—

"(a) Authority to make grants.—The Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(i) to conduct additional research, or to develop and evaluate methods that are effective and science-based, including initiatives that give emphasis to the treatment of methamphetamine abuse and addiction prevention programs relating to methamphetamine and other illicit drugs; and

"(ii) to conduct research, or to develop and evaluate methods that are effective and science-based, including initiatives that give emphasis to the provision of comprehensive and coordinated treatment, education, and prevention programs that are focused on those districts with high rates of methamphetamine and other illicit drug use and the development of approaches that are effective and science-based, and the delivery of appropriate services that are effective and science-based.

"(b) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year 2000 and 2001.

"(2) Use of certain funds.—Of the funds appropriated to carry out this section in any fiscal year, the percentage of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).

SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) Expansion of Efforts.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb-21) is amended by adding at the end of the following:

"(v) for planning, administration, and evaluation of the programs and activities under this section;

"(vi) for the monitoring and evaluation of prevention activities, the treatment of methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

"(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increase in methamphetamine abuse and addiction.

"(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with such States and Indian tribes, selected by the Director to carry out community-based prevention activities in connection with the provision of such treatment.

"(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluations under subparagraph (A).

"(v) The committees of Congress referred to in this subparagraph are the following:

"(i) the Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the House of Representatives.

"(ii) the Committees on Commerce, the Judiciary, and Appropriations of the Senate.

(b) Authorization of Appropriations for Expansion of Abuse Prevention Efforts and Methamphetamine and Other Controlled Substance Abuse Prevention Efforts.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.

(a) Study.—

"(1) Requirement.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

"(2) Report.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) Authorization of Appropriations.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

Subtitle D—Reports

SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILICIT DRUGS IN RURAL AREAS, METRO POLITAN AREAS, AND UNINCORPORATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse prevalence data and information on the consumption of methamphetamine and other illicit drugs...
drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 132. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local authorities or from the sum of the tests of the clandestine product or of other materials.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the dispensing, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(3) Information received from individuals or organizations.

(b) REPORT.—Not later than one year after the submission of this report, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations included in the comments on the Attorney General’s proposed findings and recommendations, of State and local enforcement, and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 862 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were previously distributed were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

(3) RELATION TO REPORT.—The Attorney General shall not modify the single-transaction limit established under paragraph (1) to the extent that such modification would be inconsistent with the findings and recommendations of the report referred to in paragraph (1).

(4) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of this Act.

(5) CONCLUSION.—This section shall terminate on the date of enactment of a law establishing a different limit.

SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—

(1) In general.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine, (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substances that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, or pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(b) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a)(1) involving any listed chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to meet these offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act for the purpose of providing for increased penalties that reflect the dangerous nature of such offenses, including specific formulations or drug products or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

(2) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(e)(2), and shall, as provided in section 1018(e)(2), and shall, as provided in section 1018(e)(2), be subject to an expedited hearing as provided in section 1018(e)(2)."

SEC. 202. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 850(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before paragraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(1) The term ‘drug product’ means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(2) The term ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe controlled substances, and acting in the usual course of the practitioner’s professional practice.”;

(3) in subparagraph (B), as so redesignated, by inserting “or who engages in an export transaction” after “nonregulated person”; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirements of this section:

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(4).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(E) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

Any quantity, any type of distribution or any quantity, method, or type of distribution of a specified listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

(2) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(e)(2), and shall, as provided in section 1018(e)(2), be subject to an expedited hearing as provided in section 1018(e)(2)."

SEC. 203. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by inserting “, directly or indirectly advertise for sale,” after “sell”
(b) IMMUNITIES AND OBLIGATIONS OF INTER-
ACTIVE COMPUTER SERVICES.—
"(1) IMMUNITY.—If an interactive computer
service receives a notice described in
paragraph (a) that a particular online
site is being used to engage in activity
prohibited by this section, the provider shall with-
hold access to that online site and shall notify the
provider of the activity prohibited by this section;
and
"(2) NOTICE AND TAKE DOWN RESPO.
NIBILITY.—(A) A notice is described in this
subsection only if it is a written communi-
cation from the Attorney General, the Ad-
ministrator of the Drug Enforcement Admin-
istration, or a United States Attorney sup-
plied to the agent of the interactive computer
service designated in accordance with paragraph
(1), as so designated—
"(i) that such subscriber has engaged in a viola-
tion of law; and
"(ii) that such subscriber has engaged in a viola-
tion of law that is to be disabled;
"(B) contains information reasonably suf-
icient to permit the interactive computer service to
locate such matter; and
"(C) has been received by the Attorney General,
the Administrator, or a United States Attorney
with knowledge that the activity is prohibited by
this section and to have actual
knowledge of the activity prohibited by
this section.
"(3) APPLICABILITY.—Paragraph (1) shall ap-
ply to a provider of browser software
which provides information that is accessed by
the activity prohibited by this section, and shall
apply to a provider of browser software
which provides information that is accessed by
the activity prohibited by this section.
"(4) APPLICABILITY TO PROVIDERS OF
ACTIVE COMPUTER SERVICES.—
An interactive computer service shall not be liable
under Federal or State law for taking any action to
remove or disable access to any matter described in
this section, or to terminate the account of any provider
if no such designation has been made, and in-
cludes
"(i) information reasonably sufficient to per-
mit the interactive computer service to locate
such matter; and
"(ii) information reasonably sufficient to per-
mit the interactive computer service to
contact the Federal official, including an
address, telephone number, and, if available, an
electronic mail address at which the Federal
official providing such notice may be con-
tacted.
"(C) FAILURE TO TAKE DOWN MATER-
N.—An interactive computer service that does not
take the actions described in this paragraph
upon receiving a notice meeting the require-
ments of subparagraph (B) shall be deemed to
have knowingly permitted its computer
server to be used to engage in activity pro-
hibited by this section and to have actual
knowledge that the activity is prohibited by
this section.
"(D) APPLICABILITY TO PROVIDERS OF
BROWSER SOFTWARE.—
"(1) INAPPLICABILITY.—This paragraph shall
not apply to providers of browser software
which may be liable under this section if the
browser software can be configured by a party
other than the provider to prevent or avoid a viola-
tion of law.
"(2) APPLICABILITY.—This paragraph shall
apply to a provider of browser software
which provides information that is accessed by an
activity prohibited by this section, and shall
apply to a provider of browser software
which provides information that is accessed by an
activity prohibited by this section.
"(3) APPLICABILITY.—Paragraph (1) shall not apply to
any activity of an interactive computer
service which—
"(A) knowingly permits an online site on
its computer server to be used to engage in activity
prohibited by this section, or
"(B) consists primarily of matter prob-
hibited by this section; and
"(C) holds itself out to others as a source
of, or means of searching for matter prohib-
bited by this section.
"(4) REMOVAL OF MATTER.—
An interactive computer service shall not be liable
under Federal or State law for taking any action to
remove or disable access to any matter described in
this section, or to terminate the account of any provider
if no such designation has been made, and in-
cludes
"(i) information reasonably sufficient to perm-
it the interactive computer service to
locate such matter; and
"(ii) information reasonably sufficient to per-
mit the interactive computer service to
contact the Federal official, including an
address, telephone number, and, if available, an
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service which—
"(A) knowingly permits an online site on
its computer server to be used to engage in activity
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"(i) information reasonably sufficient to perm-
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"(ii) information reasonably sufficient to per-
mit the interactive computer service to
contact the Federal official, including an
address, telephone number, and, if available, an
electronic mail address at which the Federal
official providing such notice may be con-
tacted.
Sec. 211. WAIVER AUTHORITY FOR PHYSICIANS

Subtitle B—Other Matters

SEC. 211. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN SCHEDULED SUBSTANCES FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking ‘‘(A) security’’ and inserting ‘‘(i) security,’’ and by striking ‘‘(B) the maintenance’’ and inserting ‘‘(ii) the maintenance’’;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting ‘‘(1)’’ after ‘‘(g);’’

(4) by striking ‘‘Practitioners who dispense’’ and inserting ‘‘Except as provided in paragraph (2), practitioners who dispense and prescribe’’;

and

(b) by adding at the end the following:

‘‘(2)(A) Subject to subparagraphs (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician adds to the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

(B)(i) The conditions specified in subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician—

(I) has training or experience and the ability to treat and manage opiate-dependent patients.

(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

(III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number.

For purposes of this subparagraph, the applicable number is—

(aa) 20, except that the Secretary may, by regulation change such total number;

(bb) 20, except that the Secretary may, by regulation change such total number, and the Secretary and for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

(3) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to address the following—

(aa) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1998.

(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1998.

(4) For purposes of the regulations or practice guidelines under subparagraph (I), a physician shall have training or experience and the ability to treat and manage opiate-dependent, which training or experience meets one or more of the following conditions:

(a) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 353 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Society of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or another other organization appropriate for purposes of this item. The curricula may include training in patient need for counseling re- garding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

(dd) The physician has training or experience in the treatment and management of opiate-dependent, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during a 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are as follows:

(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 353 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

(ii) The drugs or combinations of drugs have not been the subject of an adverse decision. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Administrator, that the approval of the drug or combinations of drugs has shown that the use of the drugs or

CONGRESSIONAL RECORD—SENATE

November 19, 1999

31123

CHAPTER 22—CONTROLLED SUBSTANCES

Section 421. Distribution of information relating to manufacture of controlled substances—

(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

The term ‘‘controlled substance’’ has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(b) PROHIBITION.—It shall be unlawful for any person—

(A) to teach or demonstrate the manufacture or controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime.

(c) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

(d) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

‘‘22. Controlled Substances’’.
CONGRESSIONAL RECORD—SENATE
November 19, 1999

31124

combinations of drugs for maintenance or detoxification treatment, or requires standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the physician.

“(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

“(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

“(IV) A period of 45 days has elapsed after the date on which the notification was submitted, during which period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or both, have not been met.

“(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

“(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 303(h)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

“(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

“(ii) Upon receiving notice with respect to a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General shall assign the physician an identification number under this paragraph for inclusion in the publication. The Attorney General shall, in making any determination in accordance with the Act, consult with the Secretary, and shall, as appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

“(G) In this paragraph

“(i) The term ‘group practice’ has the meaning given such term in section 1877(b)(4) of the Social Security Act.

“(ii) The term ‘physician’ has the meaning given such term in section 1861(r) of the Social Security Act.

“(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, and re- mains in effect thereafter except as provided in clause (iii) relating to a decision by the Secretary or the Attorney General that this paragraph shall remain in effect.

“(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

“(aa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

“(bb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

“(cc) make a determination regarding whether such waivers have adverse consequences for the public health.

“(bb) In making determinations under this clause, the Secretary—

“(aa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

“(bb) shall issue appropriate guidelines or procedures for substantive rules under section 533 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

“(II)(aa) The Attorney General shall—

“(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (A) by the number of individuals to whom a practitioner may provide treatment; and

“(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

“(ii) If, before the expiration of the period specified in section 303(h)(4) of the United States Code (re- lating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

“HATCH (AND OTHERS)

AMENDMENT NO. 2795

COMMISSION ACT

HATCH (AND OTHERS)

AMENDMENT NO. 2795

Mr. COLLINS (for Mr. Hatch (for himself, Mr. Leahy, Mr. Fitzgerald, and Mr. Durnin) proposed an amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission; as follows:

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT