

Schwartz, Stuart Sirkin, Brett Youngerman, and Martin Soebel.

The PRESIDING OFFICER (Mr. ENGLISH). Without objection, it is so ordered.

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 798 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 798) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

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

Mr. SESSIONS. Mr. President, I would like to say a few words about the pending passage of the Native American Methamphetamine Enforcement and Treatment Act of 2006. Section 2 of the act authorizes Indian tribes to receive grants under section 2996(a) of the Omnibus Crime Control and Safe Streets Act in order to address the scourge of methamphetamine. I strongly support aiding Indian tribes in their efforts to combat the methamphetamine epidemic in Indian country.

Members of the steering committee, which I chair, expressed concern about one part of the original bill—a concern that I am pleased to announce will be addressed by the substitute amendment.

Part of the bill authorizes tribes to receive grants, under 42 U.S.C. 3793cc(a)(3)(A), to “investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine.” The problem was that the bill originally appeared to authorize any tribe, without limitation, to receive these grants—grants that can only be used for law enforcement activities. Permitting these grants to all tribes would not have been appropriate, since many tribes—indeed, perhaps a majority of the officially recognized tribes in this country—do not have any criminal jurisdiction. Many officially recognized tribes, for example, were only recognized long after their States were admitted to the Union or only received land from the Federal government long after that land had become part of a State and State jurisdiction had attached to it. Although these tribes may receive Federal services, their recognition or receipt of land did not divest the State of its jurisdiction or bring into being a new government within the State. Nearly half of the recognized tribes in the United States, for example, are in the State of Alaska, and were first recognized in the early 1990s.

Obviously, the Federal Government did not create over 200 new governments in Alaska by this action. Tribes such as these do not exercise any governmental powers and, consequently, do not have the authority to arrest, prosecute, or punish individuals. In several other States, although tribes were preserved as separate jurisdictions when their surrounding States entered the Union, and they enjoyed criminal law enforcement powers for many years thereafter, those tribes were later divested of criminal jurisdiction by Public Law 280. That law transferred criminal jurisdiction from tribes to State and local governments in the several States identified in that law or that later opted into its provisions. Again, because tribes in Public Law 280 States no longer have criminal jurisdiction, they cannot arrest, prosecute, or punish individuals for crimes.

Arguably, the Justice Department would have been aware of these issues and would have only awarded grants to tribes that exercise criminal jurisdiction. These issues, however, are more in the expertise of the Department of the Interior than the Justice Department, and there have been reports that some law enforcement grants were inappropriately awarded to nongovernmental tribes in the 1990s. The language added by new paragraph 2(a)(4) of the act serves as a reminder to the Justice Department to first verify that a tribe exercises law enforcement powers before awarding a grant to the tribe under paragraph 3793cc(3)(A). When a tribe applies for such a grant, the Department must first determine whether the tribe exercise law enforcement powers. It must ask, was the tribe preserved as a separate jurisdiction when its surrounding State was admitted to the Union, and is the tribe subject to Public Law 280? Only if the answer to the first question is yes and the second is no is the tribe eligible to receive grants under paragraph 3793cc(3)(A).

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, today the Senate is acting on H.R. 798 Methamphetamine Remediation Research Act, with an amendment developed by the Senator from Oregon, Mr. SMITH. This legislation is designed to assist communities perform preliminary site assessments and remediate former methamphetamine, or meth, labs.

The bill requires the Environmental Protection Agency, or EPA, to develop voluntary guidelines for communities engaged in meth remediation activities. The guidelines would help communities identify contaminants from meth labs and establish appropriate cleanup levels. In implementing this legislation, it is my hope that the EPA should also issue companion regulations that would assist communities in implementing these voluntary guidelines. These regulations should identify contaminants from meth labs, estab-

lish appropriate cleanup levels, address sampling activities in the residences, training and certification for response workers, and use of personal protective equipment.

There is a need for regulations and a Federal cleanup standard, in addition to voluntary guidelines, because of the nature and abundance of waste produced from meth labs. Many of the chemicals and wastes often associated with meth production are considered hazardous wastes under the Resource Conservation and Recovery Act, or RCRA. Some of these wastes are classified under RCRA as “characteristic” waste, meaning that they are ignitable. Other wastes produced by the manufacture of meth are regulated in other sections of law, such as the solvents and other chemicals used in the purification process.

The reason companion regulation is needed is meth’s toxicity. One pound of manufactured meth produces 5 pounds of waste. Chemicals used in meth production cause breathing problems, skin irritation, headaches, damage to the central nervous system, and, in some cases, death. Meth waste is typically dumped on the ground or down drains, which contaminates drain fields, soils and surface waters. Cleanup usually involves the removal and disposal of wastes and the ventilation and plumbing systems.

Several States have already developed standards and regulations for cleanup and for determining if a meth-contaminated property is “clean.” Oregon’s level is 0.5 micrograms per square foot. And the State of Tennessee has set a level that is 0.1 microgram per hundred square centimeters. EPA should follow suit.

Ten years ago, EPA developed extensive regulations for the remediation of lead based paint waste. Waste from meth labs appears to present a more immediate public safety concern. EPA should develop the same type of comprehensive regulations to address sampling and worker protection, and should do all it can to assist our communities in these efforts.●

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 5239) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Remediation Research Act of 2006”.

SEC. 2. FINDINGS.

Congress finds that—
(1) methamphetamine use and production is growing rapidly throughout the United States;

(2) some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations in which methamphetamine laboratories have been closed;

(3) there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;

(4)(A) initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment; and

(B) it is not uncommon for significant levels of contamination to be found throughout residential structures in which methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;

(5)(A) data on methamphetamine laboratory-related contaminants of concern are very limited;

(B) uniform cleanup standards do not exist; and

(C) procedures for sampling and analysis of contaminants need to be researched and developed; and

(6) many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the “Administrator”), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws (including regulations);

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

(c) STATES.—

(1) IN GENERAL.—The voluntary guidelines should be designed to assist State and local governments in the development and the implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.

(2) ADOPTION.—The Administrator shall work with State and local governments and other relevant non-Federal agencies and organizations, including through the conference described in section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

(d) UPDATING THE GUIDELINES.—The Administrator shall periodically update the voluntary guidelines as the Administrator, in consultation with States and other interested parties, determines to be appropriate to incorporate research findings and other new knowledge.

SEC. 4. RESEARCH PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program of research to support the development and revision of the voluntary guidelines described in section 3.

(b) RESEARCH.—The research shall—

(1) identify methamphetamine laboratory-related chemicals of concern;

(2) assess the types and levels of exposure to chemicals of concern identified under paragraph (1), including routine and accidental exposures, that may present a significant risk of adverse biological effects;

(3) identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;

(4) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(5) support other research priorities identified by the Administrator, in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, individuals, and organizations involved in research and other activities directly relating to the environmental or biological impacts of former methamphetamine laboratories.

(2) FORUM.—The conference should be a forum for—

(A) the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4; and

(B) non-Federal participants to provide information on the problems and needs of States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of each conference, the Administrator shall submit to Congress a report that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants in that conference and how the Administrator intends to respond to the recommendations or concerns.

(2) PUBLIC AVAILABILITY.—The Administrator shall make each report widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall offer to enter into an arrangement with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study of the status and quality of research on the residual effects of methamphetamine laboratories.

(b) CONTENT.—The study shall identify research gaps and recommend an agenda for the research program described in section 4, with particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings in which such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(c) REPORT.—Not later than 90 days after the date of completion of the study, the Administrator shall submit to Congress a report describing the manner in which the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act modifies or otherwise affects the regulatory authority of the Environmental Protection Agency.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There is authorized to be appropriated to the Administrator to carry out this Act \$1,750,000 for each of fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There is authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out this Act \$750,000 for each of fiscal years 2007 and 2008.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 798), as amended, was read the third time and passed.

VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 3421) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

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

S. 3421

Resolved, That the bill from the Senate (S. 3421) entitled “An Act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes”, do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Benefits, Health Care, and Information Technology Act of 2006”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—ATTORNEY REPRESENTATION MATTERS

Sec. 101. Agent or attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—HEALTH MATTERS

Sec. 201. Additional mental health providers.

Sec. 202. Pay comparability for the Chief Nursing Officer, Office of Nursing Services.

Sec. 203. Improvement and expansion of mental health services.

Sec. 204. Disclosure of medical records.

Sec. 205. Expansion of telehealth services.

Sec. 206. Strategic plan for long-term care.

Sec. 207. Blind rehabilitation outpatient specialists.

Sec. 208. Extension of certain compliance reports.

Sec. 209. Parkinson’s Disease research, education, and clinical centers and multiple sclerosis centers of excellence.

Sec. 210. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.