

Union Calendar No. 115

109TH CONGRESS
1ST SESSION

H. R. 1132

[Report No. 109-191]

To provide for the establishment of a controlled substance monitoring program
in each State.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. WHITFIELD (for himself, Mr. PALLONE, Mr. NORWOOD, and Mr. STRICKLAND) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY 27, 2005

Additional sponsors: Mr. GONZALEZ, Mr. JINDAL, Mr. WYNN, Mrs. CHRISTENSEN, Mr. RUSH, Mr. KILDEE, Mr. BLUNT, Mr. SHIMKUS, Mr. DICKS, Mr. BACHUS, Mr. CHANDLER, Mr. STUPAK, Mr. PICKERING, Mr. SHAYS, Mrs. BONO, Mr. ALEXANDER, Mr. HALL, Mr. PASCRELL, Mr. WEXLER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. Rogers of Michigan, Mrs. NORTHUP, Mr. FERGUSON, Mr. BROWN of Ohio, Mr. EMANUEL, Ms. ESHOO, Mr. BILIRAKIS, Mr. ENGEL, Mr. SOUDER, and Mr. TERRY

JULY 27, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 3, 2005]

A BILL

To provide for the establishment of a controlled substance
monitoring program in each State.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National All Schedules*
5 *Prescription Electronic Reporting Act of 2005”.*

6 **SEC. 2. PURPOSE.**

7 *It is the purpose of this Act to—*

8 (1) *foster the establishment of State-administered*
9 *controlled substance monitoring systems in order to*
10 *ensure that health care providers have access to the*
11 *accurate, timely prescription history information that*
12 *they may use as a tool for the early identification of*
13 *patients at risk for addiction in order to initiate ap-*
14 *propriate medical interventions and avert the tragic*
15 *personal, family, and community consequences of un-*
16 *treated addiction; and*

17 (2) *establish, based on the experiences of existing*
18 *State controlled substance monitoring programs, a set*
19 *of best practices to guide the establishment of new*

1 *State programs and the improvement of existing pro-*
2 *grams.*

3 **SEC. 3. CONTROLLED SUBSTANCE MONITORING PROGRAM.**

4 *Part P of title III of the Public Health Service Act*
5 *(42 U.S.C. 280g et seq.) is amended by adding after section*
6 *399N the following:*

7 **“SEC. 399O. CONTROLLED SUBSTANCE MONITORING PRO-**
8 **GRAM.**

9 “(a) *GRANTS.—*

10 “(1) *IN GENERAL.—Each fiscal year, the Sec-*
11 *retary shall award a grant to each State with an ap-*
12 *plication approved under this section to enable the*
13 *State—*

14 “(A) *to establish and implement a State*
15 *controlled substance monitoring program; or*

16 “(B) *to make improvements to an existing*
17 *State controlled substance monitoring program.*

18 “(2) *DETERMINATION OF AMOUNT.—*

19 “(A) *MINIMUM AMOUNT.—In making pay-*
20 *ments under a grant under paragraph (1) for a*
21 *fiscal year, the Secretary shall allocate to each*
22 *State with an application approved under this*
23 *section an amount that equals 1.0 percent of the*
24 *amount appropriated to carry out this section*
25 *for that fiscal year.*

1 “(B) *ADDITIONAL AMOUNTS.*—*In making*
2 *payments under a grant under paragraph (1)*
3 *for a fiscal year, the Secretary shall allocate to*
4 *each State with an application approved under*
5 *this section an additional amount which bears*
6 *the same ratio to the amount appropriated to*
7 *carry out this section for that fiscal year and re-*
8 *maining after amounts are made available under*
9 *subparagraph (A) as the number of pharmacies*
10 *of the State bears to the number of pharmacies*
11 *of all States with applications approved under*
12 *this section (as determined by the Secretary), ex-*
13 *cept that the Secretary may adjust the amount*
14 *allocated to a State under this subparagraph*
15 *after taking into consideration the budget cost es-*
16 *timate for the State’s controlled substance moni-*
17 *toring program.*

18 “(3) *TERM OF GRANTS.*—*Grants awarded under*
19 *this section shall be obligated in the year in which*
20 *funds are allotted.*

21 “(b) *DEVELOPMENT OF MINIMUM REQUIREMENTS.*—
22 *Prior to awarding a grant under this section, and not later*
23 *than 6 months after the date on which funds are first appro-*
24 *priated to carry out this section, the Secretary shall, after*
25 *publishing in the Federal Register proposed minimum re-*

1 *quirements and receiving public comments, establish min-*
2 *imum requirements for criteria to be used by States for pur-*
3 *poses of clauses (ii), (v), (vi), and (vii) of subsection*
4 *(c)(1)(A).*

5 “(c) *APPLICATION APPROVAL PROCESS.*—

6 “(1) *IN GENERAL.*—*To be eligible to receive a*
7 *grant under this section, a State shall submit an ap-*
8 *plication to the Secretary at such time, in such man-*
9 *ner, and containing such assurances and information*
10 *as the Secretary may reasonably require. Each such*
11 *application shall include—*

12 “(A) *with respect to a State that intends to*
13 *use funds under the grant as provided for in sub-*
14 *section (a)(1)(A)—*

15 “(i) *a budget cost estimate for the con-*
16 *trolled substance monitoring program to be*
17 *implemented under the grant;*

18 “(ii) *criteria for security for informa-*
19 *tion handling and for the database main-*
20 *tained by the State under subsection (e)*
21 *generally including efforts to use appro-*
22 *propriate encryption technology or other ap-*
23 *propriate technology to protect the security*
24 *of such information;*

1 “(iii) an agreement to adopt health in-
2 formation interoperability standards, in-
3 cluding health vocabulary and messaging
4 standards, that are consistent with any such
5 standards generated or identified by the
6 Secretary or his or her designee;

7 “(iv) criteria for meeting the uniform
8 electronic format requirement of subsection
9 (h);

10 “(v) criteria for availability of infor-
11 mation and limitation on access to program
12 personnel;

13 “(vi) criteria for access to the database,
14 and procedures to ensure that information
15 in the database is accurate;

16 “(vii) criteria for the use and disclo-
17 sure of information, including a description
18 of the certification process to be applied to
19 requests for information under subsection
20 (f);

21 “(viii) penalties for the unauthorized
22 use and disclosure of information main-
23 tained in the State controlled substance
24 monitoring program in violation of appli-
25 cable State law or regulation;

1 “(ix) information on the relevant State
2 laws, policies, and procedures, if any, re-
3 garding purging of information from the
4 database; and

5 “(x) assurances of compliance with all
6 other requirements of this section; or

7 “(B) with respect to a State that intends to
8 use funds under the grant as provided for in sub-
9 section (a)(1)(B)—

10 “(i) a budget cost estimate for the con-
11 trolled substance monitoring program to be
12 improved under the grant;

13 “(ii) a plan for ensuring that the State
14 controlled substance monitoring program is
15 in compliance with the criteria and penalty
16 requirements described in clauses (ii)
17 through (viii) of subparagraph (A);

18 “(iii) a plan to enable the State con-
19 trolled substance monitoring program to
20 achieve interoperability with at least one
21 other State controlled substance monitoring
22 program; and

23 “(iv) assurances of compliance with all
24 other requirements of this section or a state-
25 ment describing why such compliance is not

1 *feasible or is contrary to the best interests*
2 *of public health in such State.*

3 “(2) *STATE LEGISLATION.*—*As part of an appli-*
4 *cation under paragraph (1), the Secretary shall re-*
5 *quire a State to demonstrate that the State has en-*
6 *acted legislation or regulations to permit the imple-*
7 *mentation of the State controlled substance moni-*
8 *toring program and the imposition of appropriate*
9 *penalties for the unauthorized use and disclosure of*
10 *information maintained in such program.*

11 “(3) *INTEROPERABILITY.*—*If a State that sub-*
12 *mits an application under this subsection geographi-*
13 *cally borders another State that is operating a con-*
14 *trolled substance monitoring program under sub-*
15 *section (a)(1) on the date of submission of such appli-*
16 *cation, and such applicant State has not achieved*
17 *interoperability for purposes of information sharing*
18 *between its monitoring program and the monitoring*
19 *program of such border State, such applicant State*
20 *shall, as part of the plan under paragraph*
21 *(1)(B)(iii), describe the manner in which the appli-*
22 *cant State will achieve interoperability between the*
23 *monitoring programs of such States.*

1 “(4) *APPROVAL.*—*If a State submits an applica-*
2 *tion in accordance with this subsection, the Secretary*
3 *shall approve such application.*

4 “(5) *RETURN OF FUNDS.*—*If the Secretary with-*
5 *draws approval of a State’s application under this*
6 *section, or the State chooses to cease to implement or*
7 *improve a controlled substance monitoring program*
8 *under this section, a funding agreement for the re-*
9 *ceipt of a grant under this section is that the State*
10 *will return to the Secretary an amount which bears*
11 *the same ratio to the overall grant as the remaining*
12 *time period for expending the grant funds bears to the*
13 *overall time period for expending the grant (as speci-*
14 *fied by the Secretary at the time of the grant).*

15 “(d) *REPORTING REQUIREMENTS.*—*In implementing*
16 *or improving a controlled substance monitoring program*
17 *under this section, a State shall comply, or with respect*
18 *to a State that applies for a grant under subsection*
19 *(a)(1)(B) submit to the Secretary for approval a statement*
20 *of why such compliance is not feasible or is contrary to*
21 *the best interests of public health in such State, with the*
22 *following:*

23 “(1) *The State shall require dispensers to report*
24 *to such State each dispensing in the State of a con-*

1 *trolled substance to an ultimate user not later than*
2 *1 week after the date of such dispensing.*

3 “(2) *The State may exclude from the reporting*
4 *requirement of this subsection—*

5 “(A) *the direct administration of a con-*
6 *trolled substance to the body of an ultimate user;*

7 “(B) *the dispensing of a controlled sub-*
8 *stance in a quantity limited to an amount ade-*
9 *quate to treat the ultimate user involved for 48*
10 *hours or less; or*

11 “(C) *the administration or dispensing of a*
12 *controlled substance in accordance with any*
13 *other exclusion identified by the Secretary for*
14 *purposes of this paragraph.*

15 “(3) *The information to be reported under this*
16 *subsection with respect to the dispensing of a con-*
17 *trolled substance shall include the following:*

18 “(A) *Drug Enforcement Administration*
19 *Registration Number (or other identifying num-*
20 *ber used in lieu of such Registration Number) of*
21 *the dispenser.*

22 “(B) *Drug Enforcement Administration*
23 *Registration Number (or other identifying num-*
24 *ber used in lieu of such Registration Number)*

1 *and name of the practitioner who prescribed the*
2 *drug.*

3 “(C) *Name, address, and telephone number*
4 *of the ultimate user or such contact information*
5 *of the ultimate user as the Secretary determines*
6 *appropriate.*

7 “(D) *Identification of the drug by a na-*
8 *tional drug code number.*

9 “(E) *Quantity dispensed.*

10 “(F) *Number of refills ordered.*

11 “(G) *Whether the drug was dispensed as a*
12 *refill of a prescription or as a first-time request.*

13 “(H) *Date of the dispensing.*

14 “(I) *Date of origin of the prescription.*

15 “(J) *Such other information as may be re-*
16 *quired by State law to be reported under this*
17 *subsection.*

18 “(4) *The State shall require dispensers to report*
19 *information under this section in accordance with the*
20 *electronic format specified by the Secretary under*
21 *subsection (h), except that the State may waive the re-*
22 *quirement of such format with respect to an indi-*
23 *vidual dispenser that is unable to submit such infor-*
24 *mation by electronic means.*

1 “(e) *DATABASE.—In implementing or improving a*
2 *controlled substance monitoring program under this section,*
3 *a State shall comply with the following:*

4 “(1) *The State shall establish and maintain an*
5 *electronic database containing the information re-*
6 *ported to the State under subsection (d).*

7 “(2) *The database must be searchable by any*
8 *field or combination of fields.*

9 “(3) *The State shall include reported informa-*
10 *tion in the database in a manner consistent with cri-*
11 *teria established by the Secretary, with appropriate*
12 *safeguards for ensuring the accuracy and complete-*
13 *ness of the database.*

14 “(4) *The State shall take appropriate security*
15 *measures to protect the integrity of, and access to, the*
16 *database.*

17 “(f) *USE AND DISCLOSURE OF INFORMATION.—*

18 “(1) *IN GENERAL.—Subject to subsection (g), in*
19 *implementing or improving a controlled substance*
20 *monitoring program under this section, a State may*
21 *disclose information from the database established*
22 *under subsection (e) and, in the case of a request*
23 *under subparagraph (D), summary statistics of such*
24 *information, only in response to a request by—*

1 “(A) a practitioner (or the agent thereof)
2 who certifies, under the procedures determined by
3 the State, that the requested information is for
4 the purpose of providing medical or pharma-
5 ceutical treatment or evaluating the need for
6 such treatment to a bona fide current patient;

7 “(B) any local, State, or Federal law en-
8 forcement, narcotics control, licensure, discipli-
9 nary, or program authority, who certifies, under
10 the procedures determined by the State, that the
11 requested information is related to an individual
12 investigation or proceeding involving the unlaw-
13 ful diversion or misuse of a schedule II, III, or
14 IV substance, and such information will further
15 the purpose of the investigation or assist in the
16 proceeding;

17 “(C) the controlled substance monitoring
18 program of another State or group of States with
19 whom the State has established an interoper-
20 ability agreement;

21 “(D) any agent of the Department of Health
22 and Human Services, a State medicaid pro-
23 gram, a State health department, or the Drug
24 Enforcement Administration who certifies that
25 the requested information is necessary for re-

1 *search to be conducted by such department, pro-*
2 *gram, or administration, respectively, and the*
3 *intended purpose of the research is related to a*
4 *function committed to such department, pro-*
5 *gram, or administration by law that is not in-*
6 *vestigative in nature; or*

7 *“(E) an agent of the State agency or entity*
8 *of another State that is responsible for the estab-*
9 *lishment and maintenance of that State’s con-*
10 *trolled substance monitoring program, who cer-*
11 *tifies that—*

12 *“(i) the State has an application ap-*
13 *proved under this section; and*

14 *“(ii) the requested information is for*
15 *the purpose of implementing the State’s*
16 *controlled substance monitoring program*
17 *under this section.*

18 *“(2) DRUG DIVERSION.—In consultation with*
19 *practitioners, dispensers, and other relevant and in-*
20 *terested stakeholders, a State receiving a grant under*
21 *subsection (a)—*

22 *“(A) shall establish a program to notify*
23 *practitioners and dispensers of information that*
24 *will help identify and prevent the unlawful di-*
25 *version or misuse of controlled substances; and*

1 “(B) may, to the extent permitted under
2 State law, notify the appropriate authorities re-
3 sponsible for carrying out drug diversion inves-
4 tigations if the State determines that informa-
5 tion in the database maintained by the State
6 under subsection (e) indicates an unlawful diver-
7 sion or abuse of a controlled substance.

8 “(g) *LIMITATIONS.*—In implementing or improving a
9 controlled substance monitoring program under this section,
10 a State—

11 “(1) shall limit the information provided pursu-
12 ant to a valid request under subsection (f)(1) to the
13 minimum necessary to accomplish the intended pur-
14 pose of the request; and

15 “(2) shall limit information provided in response
16 to a request under subsection (f)(1)(D) to nonidentifi-
17 able information.

18 “(h) *ELECTRONIC FORMAT.*—The Secretary shall
19 specify a uniform electronic format for the reporting, shar-
20 ing, and disclosure of information under this section.

21 “(i) *RULES OF CONSTRUCTION.*—

22 “(1) *FUNCTIONS OTHERWISE AUTHORIZED BY*
23 *LAW.*—Nothing in this section shall be construed to
24 restrict the ability of any authority, including any
25 local, State, or Federal law enforcement, narcotics

1 *control, licensure, disciplinary, or program authority,*
2 *to perform functions otherwise authorized by law.*

3 “(2) *NO PREEMPTION.*—*Nothing in this section*
4 *shall be construed as preempting any State law, ex-*
5 *cept that no such law may relieve any person of a re-*
6 *quirement otherwise applicable under this Act.*

7 “(3) *ADDITIONAL PRIVACY PROTECTIONS.*—*Noth-*
8 *ing in this section shall be construed as preempting*
9 *any State from imposing any additional privacy pro-*
10 *tections.*

11 “(4) *FEDERAL PRIVACY REQUIREMENTS.*—*Noth-*
12 *ing in this section shall be construed to supersede any*
13 *Federal privacy or confidentiality requirement, in-*
14 *cluding the regulations promulgated under section*
15 *264(c) of the Health Insurance Portability and Ac-*
16 *countability Act of 1996 (Public Law 104–191; 110*
17 *Stat. 2033) and section 543 of the Public Health*
18 *Service Act.*

19 “(5) *NO FEDERAL PRIVATE CAUSE OF ACTION.*—
20 *Nothing in this section shall be construed to create a*
21 *Federal private cause of action.*

22 “(j) *STUDIES AND REPORTS.*—

23 “(1) *IMPLEMENTATION REPORT.*—

24 “(A) *IN GENERAL.*—*Not later than 180*
25 *days after the date of enactment of this section,*

1 *the Secretary, based on a review of existing State*
2 *controlled substance monitoring programs and*
3 *other relevant information, shall determine*
4 *whether the implementation of such programs*
5 *has had a substantial negative impact on—*

6 *“(i) patient access to treatment, in-*
7 *cluding therapy for pain or controlled sub-*
8 *stance abuse;*

9 *“(ii) pediatric patient access to treat-*
10 *ment; or*

11 *“(iii) patient enrollment in research or*
12 *clinical trials in which, following the pro-*
13 *TOCOL that has been approved by the relevant*
14 *institutional review board for the research*
15 *or clinical trial, the patient has obtained a*
16 *controlled substance from either the sci-*
17 *entific investigator conducting such research*
18 *or clinical trial or the agent thereof.*

19 *“(B) ADDITIONAL CATEGORIES OF EXCLU-*
20 *SION.—If the Secretary determines under sub-*
21 *paragraph (A) that a substantial negative im-*
22 *pact has been demonstrated with regard to one*
23 *or more of the categories of patients described in*
24 *such subparagraph, the Secretary shall identify*
25 *additional appropriate categories of exclusion*

1 *from reporting as authorized under subsection*
2 *(d)(2)(C).*

3 “(2) *PROGRESS REPORT.*—*Not later than 3 years*
4 *after the date on which funds are first appropriated*
5 *under this section, the Secretary shall—*

6 “(A) *complete a study that—*

7 “(i) *determines the progress of States*
8 *in establishing and implementing controlled*
9 *substance monitoring programs under this*
10 *section;*

11 “(ii) *provides an analysis of the extent*
12 *to which the operation of controlled sub-*
13 *stance monitoring programs have reduced*
14 *inappropriate use, abuse, or diversion of*
15 *controlled substances or affected patient ac-*
16 *cess to appropriate pain care in States op-*
17 *erating such programs;*

18 “(iii) *determines the progress of States*
19 *in achieving interoperability between con-*
20 *trolled substance monitoring programs, in-*
21 *cluding an assessment of technical and legal*
22 *barriers to such activities and recommenda-*
23 *tions for addressing these barriers;*

24 “(iv) *determines the feasibility of im-*
25 *plementing a real-time electronic controlled*

1 *substance monitoring program, including*
2 *the costs associated with establishing such a*
3 *program;*

4 “(v) *provides an analysis of the pri-*
5 *vacv protections in place for the informa-*
6 *tion reported to the controlled substance*
7 *monitoring program in each State receiving*
8 *a grant for the establishment or operation of*
9 *such program, and any recommendations*
10 *for additional requirements for protection of*
11 *this information;*

12 “(vi) *determines the feasibility of im-*
13 *plementing technological alternatives to cen-*
14 *tralized data storage, such as peer-to-peer*
15 *file sharing or data pointer systems, in con-*
16 *trolled substance monitoring programs and*
17 *the potential for such alternatives to en-*
18 *hance the privacy and security of individ-*
19 *ually identifiable data; and*

20 “(vii) *evaluates the penalties that*
21 *States have enacted for the unauthorized use*
22 *and disclosure of information maintained*
23 *in the controlled substance monitoring pro-*
24 *gram, and reports on the criteria used by*
25 *the Secretary to determine whether such*

1 *penalties qualify as appropriate pursuant*
2 *to this section; and*

3 *“(B) submit a report to the Congress on the*
4 *results of the study.*

5 *“(k) PREFERENCE.—Beginning 3 years after the date*
6 *on which funds are first appropriated to carry out this sec-*
7 *tion, the Secretary, in awarding any competitive grant that*
8 *is related to drug abuse (as determined by the Secretary)*
9 *and for which only States are eligible to apply, shall give*
10 *preference to any State with an application approved under*
11 *this section. The Secretary shall have the discretion to apply*
12 *such preference to States with existing controlled substance*
13 *monitoring programs that meet minimum requirements*
14 *under this section or to States that put forth a good faith*
15 *effort to meet those requirements (as determined by the Sec-*
16 *retary).*

17 *“(l) ADVISORY COUNCIL.—*

18 *“(1) ESTABLISHMENT.—A State may establish*
19 *an advisory council to assist in the establishment, im-*
20 *plementation, or improvement of a controlled sub-*
21 *stance monitoring program under this section.*

22 *“(2) LIMITATION.—A State may not use*
23 *amounts received under a grant under this section for*
24 *the operations of an advisory council established*
25 *under paragraph (1).*

1 “(3) *SENSE OF CONGRESS.*—*It is the sense of the*
2 *Congress that, in establishing an advisory council*
3 *under this subsection, a State should consult with ap-*
4 *propriate professional boards and other interested*
5 *parties.*

6 “(m) *DEFINITIONS.*—*For purposes of this section:*

7 “(1) *The term ‘bona fide patient’ means an indi-*
8 *vidual who is a patient of the practitioner involved.*

9 “(2) *The term ‘controlled substance’ means a*
10 *drug that is included in schedule II, III, or IV of sec-*
11 *tion 202(c) of the Controlled Substance Act.*

12 “(3) *The term ‘dispense’ means to deliver a con-*
13 *trolled substance to an ultimate user by, or pursuant*
14 *to the lawful order of, a practitioner, irrespective of*
15 *whether the dispenser uses the Internet or other means*
16 *to effect such delivery.*

17 “(4) *The term ‘dispenser’ means a physician,*
18 *pharmacist, or other person that dispenses a con-*
19 *trolled substance to an ultimate user.*

20 “(5) *The term ‘interoperability’ with respect to a*
21 *State controlled substance monitoring program means*
22 *the ability of the program to electronically share re-*
23 *ported information, including each of the required re-*
24 *port components described in subsection (d), with an-*
25 *other State if the information concerns either the dis-*

1 *dispensing of a controlled substance to an ultimate user*
2 *who resides in such other State, or the dispensing of*
3 *a controlled substance prescribed by a practitioner*
4 *whose principal place of business is located in such*
5 *other State.*

6 *“(6) The term ‘nonidentifiable information’*
7 *means information that does not identify a practi-*
8 *tioner, dispenser, or an ultimate user and with re-*
9 *spect to which there is no reasonable basis to believe*
10 *that the information can be used to identify a practi-*
11 *tioner, dispenser, or an ultimate user.*

12 *“(7) The term ‘practitioner’ means a physician,*
13 *dentist, veterinarian, scientific investigator, phar-*
14 *macy, hospital, or other person licensed, registered, or*
15 *otherwise permitted, by the United States or the juris-*
16 *isdiction in which he or she practices or does research,*
17 *to distribute, dispense, conduct research with respect*
18 *to, administer, or use in teaching or chemical anal-*
19 *ysis, a controlled substance in the course of profes-*
20 *sional practice or research.*

21 *“(8) The term ‘State’ means each of the 50*
22 *States and the District of Columbia.*

23 *“(9) The term ‘ultimate user’ means a person*
24 *who has obtained from a dispenser, and who pos-*
25 *sesses, a controlled substance for his or her own use,*

1 *for the use of a member of his or her household, or*
2 *for the use of an animal owned by him or her or by*
3 *a member of his or her household.*

4 “(n) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
5 *out this section, there are authorized to be appropriated—*

6 “(1) *\$15,000,000 for each of fiscal years 2006*
7 *and 2007; and*

8 “(2) *\$10,000,000 for each of fiscal years 2008,*
9 *2009, and 2010.”.*

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