

106TH CONGRESS
1ST SESSION

H. R. 2987

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1999

Mr. CANNON (for himself, Mr. HUTCHINSON, Mr. ROGAN, Mr. MCCOLLUM, Mr. SESSIONS, Mr. PICKERING, Ms. LOFGREN, Mr. BERMAN, Mr. CANDY of Florida, Mr. GIBBONS, Mr. CALVERT, Mr. GALLEGLY, and Mr. SALMON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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.

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 “Methamphetamine
5 Anti-Proliferation Act of 1999”.

1 **SEC. 2. ENHANCED PUNISHMENT OF AMPHETAMINE LAB-**
2 **ORATORY OPERATORS.**

3 (a) AMENDMENT TO FEDERAL SENTENCING GUIDE-
4 LINES.—Pursuant to its authority under section 994(p)
5 of title 28, United States Code, the United States Sen-
6 tencing Commission shall amend the Federal sentencing
7 guidelines in accordance with this section with respect to
8 any offense relating to the manufacture, importation, ex-
9 portation, or trafficking in amphetamine (including an at-
10 tempt or conspiracy to do any of the foregoing) in violation
11 of—

12 (1) the Controlled Substances Act (21 U.S.C.
13 801 et seq.);

14 (2) the Controlled Substances Import and Ex-
15 port Act (21 U.S.C. 951 et seq.); or

16 (3) the Maritime Drug Law Enforcement Act
17 (46 U.S.C. App. 1901 et seq.).

18 (b) GENERAL REQUIREMENT.—In carrying out this
19 section, the United States Sentencing Commission shall,
20 with respect to each offense described in subsection (a)
21 relating to amphetamine—

22 (1) review and amend its guidelines to provide
23 for increased penalties such that those penalties are
24 comparable to the base offense level for meth-
25 amphetamine; and

1 (2) take any other action the Commission con-
2 siders necessary to carry out this subsection.

3 (c) **ADDITIONAL REQUIREMENTS.**—In carrying out
4 this section, the United States Sentencing Commission
5 shall ensure that the sentencing guidelines for offenders
6 convicted of offenses described in subsection (a) reflect the
7 heinous nature of such offenses, the need for aggressive
8 law enforcement action to fight such offenses, and the ex-
9 tremes dangers associated with unlawful activity involving
10 amphetamines, including—

11 (1) the rapidly growing incidence of amphet-
12 amine abuse and the threat to public safety that
13 such abuse poses;

14 (2) the high risk of amphetamine addiction;

15 (3) the increased risk of violence associated
16 with amphetamine trafficking and abuse; and

17 (4) the recent increase in the illegal importation
18 of amphetamine and precursor chemicals.

19 (d) **EMERGENCY AUTHORITY TO SENTENCING COM-**
20 **MISSION.**—The United States Sentencing Commission
21 shall promulgate amendments pursuant to this section as
22 soon as practicable after the date of the enactment of this
23 Act in accordance with the procedure set forth in section
24 21(a) of the Sentencing Act of 1987 (Public Law 100–

1 182), as though the authority under that Act had not ex-
2 pired.

3 **SEC. 3. ADVERTISEMENTS FOR DRUG PARAPHERNALIA**
4 **AND SCHEDULE I CONTROLLED SUBSTANCES.**

5 (a) DRUG PARAPHERNALIA.—Section 422 of the
6 Controlled Substances Act (21 U.S.C. 863) is amended—

7 (1) in subsection (a)(1), by inserting “, directly
8 or indirectly advertise for sale,” after “sell”; and

9 (2) by adding at the end the following:

10 “(g) In this section, the term ‘directly or indirectly
11 advertise for sale’ includes the use of any communication
12 facility (as that term is defined in section 403(b)) to ini-
13 tiate the posting, publicizing, transmitting, publishing,
14 linking to, broadcasting, or other advertising of any mat-
15 ter (including a telephone number or electronic or mail
16 address) knowing that such matter has the purpose of
17 seeking or offering, or is designed to be used, to receive,
18 buy, distribute, or otherwise facilitate a transaction in.”.

19 (b) SCHEDULE I CONTROLLED SUBSTANCES.—Sec-
20 tion 403(c) of such Act (21 U.S.C. 843(c)) is amended—

21 (1) in the first sentence, by inserting before the
22 period the following: “, or to directly or indirectly
23 advertise for sale (as that term is defined in section
24 422(g)) any Schedule I controlled substance”; and

1 (2) in the second sentence, by striking “term
2 ‘advertisement’” and inserting “term ‘written adver-
3 tisement’”.

4 **SEC. 4. MANDATORY RESTITUTION FOR VIOLATIONS OF**
5 **CONTROLLED SUBSTANCES ACT AND CON-**
6 **TROLLED SUBSTANCES IMPORT AND EXPORT**
7 **ACT RELATING TO AMPHETAMINE AND**
8 **METHAMPHETAMINE.**

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

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

14 (2) by inserting “amphetamine or” before
15 “methamphetamine” each place it appears; and

16 (3) in paragraph (2)—

17 (A) by inserting “, the State or local gov-
18 ernment concerned, or both the United States
19 and the State or local government concerned”
20 after “United States” the first place it appears;
21 and

22 (B) by inserting “or the State or local gov-
23 ernment concerned, as the case may be,” after
24 “United States” the second place it appears.

1 (b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of
2 title 28, United States Code, is amended—
3

4 (1) by striking “and” at the end of subparagraph (B);
5

6 (2) by striking the period at the end of subparagraph (C) and inserting “; and”; and
7

8 (3) by adding at the end the following:

9 “(D) all amounts collected—

10 “(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and
11
12
13

14 “(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.”.
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18 **SEC. 5. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.**
19
20

21 (a) IN GENERAL.—Part I of title 18, United States
22 Code, is amended by inserting after chapter 21 the following new chapter:
23

1 **“CHAPTER 22—CONTROLLED**
2 **SUBSTANCES**

“Sec.

“421. Distribution of information relating to manufacture of controlled substances.

3 **“§ 421. Distribution of information relating to manu-**
4 **facture of controlled substances**

5 “(a) PROHIBITION ON DISTRIBUTION OF INFORMA-
6 TION RELATING TO MANUFACTURE OF CONTROLLED
7 SUBSTANCES.—

8 “(1) CONTROLLED SUBSTANCE DEFINED.—In
9 this subsection, the term ‘controlled substance’ has
10 the meaning given that term in section 102(6) of the
11 Controlled Substances Act (21 U.S.C. 802(6)).

12 “(2) PROHIBITION.—It shall be unlawful for
13 any person—

14 “(A) to teach or demonstrate the manufac-
15 ture of a controlled substance, or to distribute
16 by any means information pertaining to, in
17 whole or in part, the manufacture or use of a
18 controlled substance, with the intent that the
19 teaching, demonstration, or information be used
20 for, or in furtherance of, an activity that con-
21 stitutes a Federal crime; or

22 “(B) to teach or demonstrate to any per-
23 son the manufacture of a controlled substance,
24 or to distribute to any person, by any means,

1 information pertaining to, in whole or in part,
 2 the manufacture or use of a controlled sub-
 3 stance, knowing that such person intends to use
 4 the teaching, demonstration, or information for,
 5 or in furtherance of, an activity that constitutes
 6 a Federal crime.

7 “(b) PENALTY.—Any person who violates subsection
 8 (a) shall be fined under this title, imprisoned not more
 9 than 10 years, or both.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 at the beginning of part I of title 18, United States Code,
 12 is amended by inserting after the item relating to chapter
 13 21 the following new item:

“**22. Controlled Substances** **421**”.

14 **SEC. 6. NOTICE; CLARIFICATION.**

15 (a) NOTICE OF ISSUANCE.—Section 3103a of title
 16 18, United States Code, is amended by adding at the end
 17 the following new sentence: “With respect to any issuance
 18 under this section or any other provision of law (including
 19 section 3117 and any rule), any notice required, or that
 20 may be required, to be given may be delayed pursuant to
 21 the standards, terms, and conditions set forth in section
 22 2705, unless otherwise expressly provided by statute.”.

23 (b) CLARIFICATION.—(1) Section 2(e) of Public Law
 24 95–78 (91 Stat. 320) is amended by adding at the end
 25 the following:

1 “Subdivision (d) of such rule, as in effect on this date,
2 is amended by inserting ‘tangible’ before ‘property’ each
3 place it occurs.”.

4 (2) The amendment made by paragraph (1) shall
5 take effect on the date of the enactment of this Act.

6 **SEC. 7. TRAINING FOR DRUG ENFORCEMENT ADMINISTRA-**
7 **TION AND STATE AND LOCAL LAW ENFORCE-**
8 **MENT PERSONNEL RELATING TO CLANDES-**
9 **TINE LABORATORIES.**

10 (a) IN GENERAL.—

11 (1) REQUIREMENT.—The Administrator of the
12 Drug Enforcement Administration shall carry out
13 the programs described in subsection (b) with re-
14 spect to the law enforcement personnel of States and
15 localities determined by the Administrator to have
16 significant levels of methamphetamine-related or am-
17 phetamine-related crime or projected by the Admin-
18 istrator to have the potential for such levels of crime
19 in the future.

20 (2) DURATION.—The duration of any program
21 under that subsection may not exceed 3 years.

22 (b) COVERED PROGRAMS.—The programs described
23 in this subsection are as follows:

24 (1) ADVANCED MOBILE CLANDESTINE LABORA-
25 TORY TRAINING TEAMS.—A program of advanced

1 mobile clandestine laboratory training teams, which
2 shall provide information and training to State and
3 local law enforcement personnel in techniques uti-
4 lized in conducting undercover investigations and
5 conspiracy cases, and other information designed to
6 assist in the investigation of the illegal manufac-
7 turing and trafficking of amphetamine and meth-
8 amphetamine.

9 (2) BASIC CLANDESTINE LABORATORY CERTIFI-
10 CATION TRAINING.—A program of basic clandestine
11 laboratory certification training, which shall provide
12 information and training—

13 (A) to Drug Enforcement Administration
14 personnel and State and local law enforcement
15 personnel for purposes of enabling such per-
16 sonnel to meet any certification requirements
17 under law with respect to the handling of
18 wastes created by illegal amphetamine and
19 methamphetamine laboratories; and

20 (B) to State and local law enforcement
21 personnel for purposes of enabling such per-
22 sonnel to provide the information and training
23 covered by subparagraph (A) to other State and
24 local law enforcement personnel.

1 (3) CLANDESTINE LABORATORY RECERTIFI-
2 CATION AND AWARENESS TRAINING.—A program of
3 clandestine laboratory recertification and awareness
4 training, which shall provide information and train-
5 ing to State and local law enforcement personnel for
6 purposes of enabling such personnel to provide recer-
7 tification and awareness training relating to clandes-
8 tine laboratories to additional State and local law
9 enforcement personnel.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated for each of fiscal years
12 2000, 2001, and 2002 amounts as follows:

13 (1) \$1,500,000 to carry out the program de-
14 scribed in subsection (b)(1).

15 (2) \$3,000,000 to carry out the program de-
16 scribed in subsection (b)(2).

17 (3) \$1,000,000 to carry out the program de-
18 scribed in subsection (b)(3).

19 **SEC. 8. COMBATTING METHAMPHETAMINE AND AMPHET-**
20 **AMINE IN HIGH INTENSITY DRUG TRAF-**
21 **FICKING AREAS.**

22 (a) IN GENERAL.—

23 (1) IN GENERAL.—The Director of National
24 Drug Control Policy shall use amounts available
25 under this section to combat the trafficking of meth-

1 amphetamine and amphetamine in areas designated
2 by the Director as high intensity drug trafficking
3 areas.

4 (2) ACTIVITIES.—In meeting the requirement
5 in paragraph (1), the Director shall provide funds
6 for—

7 (A) employing additional Federal law en-
8 forcement personnel, or facilitating the employ-
9 ment of additional State and local law enforce-
10 ment personnel, including agents, investigators,
11 prosecutors, laboratory technicians, chemists,
12 investigative assistants, and drug-prevention
13 specialists; and

14 (B) such other activities as the Director
15 considers appropriate.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section—

18 (1) \$15,000,000 for fiscal year 2000; and

19 (2) such sums as may be necessary for each of
20 fiscal years 2001 through 2004.

21 (c) APPORTIONMENT OF FUNDS.—

22 (1) FACTORS IN APPORTIONMENT.—The Direc-
23 tor shall apportion amounts appropriated for a fiscal
24 year pursuant to the authorization of appropriations
25 in subsection (b) for activities under subsection (a)

1 among and within areas designated by the Director
2 as high intensity drug trafficking areas based on the
3 following factors:

4 (A) The number of methamphetamine
5 manufacturing facilities and amphetamine man-
6 ufacturing facilities discovered by Federal,
7 State, or local law enforcement officials in the
8 previous fiscal year.

9 (B) The number of methamphetamine
10 prosecutions and amphetamine prosecutions in
11 Federal, State, or local courts in the previous
12 fiscal year.

13 (C) The number of methamphetamine ar-
14 rests and amphetamine arrests by Federal,
15 State, or local law enforcement officials in the
16 previous fiscal year.

17 (D) The amounts of methamphetamine,
18 amphetamine, or listed chemicals (as that term
19 is defined in section 102(33) of the Controlled
20 Substances Act (21 U.S.C. 802(33)) seized by
21 Federal, State, or local law enforcement offi-
22 cials in the previous fiscal year.

23 (E) Intelligence and predictive data from
24 the Drug Enforcement Administration and the
25 Department of Health and Human Services

1 showing patterns and trends in abuse, traf-
2 ficking, and transportation in methamphet-
3 amine, amphetamine, and listed chemicals (as
4 that term is so defined).

5 (2) CERTIFICATION.—Before the Director ap-
6 portions any funds under this subsection to a high
7 intensity drug trafficking area, the Director shall
8 certify that the law enforcement entities responsible
9 for clandestine methamphetamine and amphetamine
10 laboratory seizures in that area are providing labora-
11 tory seizure data to the national clandestine labora-
12 tory database at the El Paso Intelligence Center.

13 (d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
14 more than 5 percent of the amount appropriated in a fiscal
15 year pursuant to the authorization of appropriations for
16 that fiscal year in subsection (b) may be available in that
17 fiscal year for administrative costs associated with activi-
18 ties under subsection (a).

19 **SEC. 9. COMBATING AMPHETAMINE AND METHAMPHET-**
20 **AMINE MANUFACTURING AND TRAFFICKING.**

21 (a) ACTIVITIES.—In order to combat the illegal man-
22 ufacturing and trafficking in amphetamine and meth-
23 amphetamine, the Administrator of the Drug Enforcement
24 Administration may—

1 (1) assist State and local law enforcement in
2 small and mid-sized communities in all phases of in-
3 vestigations related to such manufacturing and traf-
4 ficking, including assistance with foreign-language
5 interpretation;

6 (2) staff additional regional enforcement and
7 mobile enforcement teams related to such manufac-
8 turing and trafficking;

9 (3) establish additional resident offices and
10 posts of duty to assist State and local law enforce-
11 ment in rural areas in combating such manufac-
12 turing and trafficking;

13 (4) provide the Special Operations Division of
14 the Administration with additional agents and staff
15 to collect, evaluate, interpret, and disseminate crit-
16 ical intelligence targeting the command and control
17 operations of major amphetamine and methamphet-
18 amine manufacturing and trafficking organizations;
19 and

20 (5) carry out such other activities as the Ad-
21 ministrator considers appropriate.

22 (b) **ADDITIONAL POSITIONS AND PERSONNEL.**—In
23 carrying out activities under subsection (a), the Adminis-
24 trator may establish in the Administration not more than
25 50 full-time positions, including not more than 31 special-

1 agent positions, and may appoint personnel to such posi-
2 tions.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for the Drug Enforce-
5 ment Administration for each fiscal year after fiscal year
6 1999, \$6,500,000 for purposes of carrying out the activi-
7 ties authorized by subsection (a) and employing personnel
8 in positions established under subsection (b).

9 **SEC. 10. ENVIRONMENTAL HAZARDS ASSOCIATED WITH IL-**
10 **LEGAL MANUFACTURE OF AMPHETAMINE**
11 **AND METHAMPHETAMINE.**

12 (a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE
13 ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of
14 title 28, United States Code, is amended—

15 (1) by inserting “(i) for” before “disburse-
16 ments”;

17 (2) by inserting “and” after the semicolon; and

18 (3) by adding at the end the following:

19 “(ii) for payment for—

20 “(I) costs incurred by or on behalf of the
21 Department of Justice in connection with the
22 removal, for purposes of Federal forfeiture and
23 disposition, of any hazardous substance or pol-
24 lutant or contaminant associated with the ille-

1 gal manufacture of amphetamine or meth-
2 amphetamine; and

3 “(II) costs incurred by or on behalf of a
4 State or local government in connection with
5 such removal in any case in which such State
6 or local government has assisted in a Federal
7 prosecution relating to amphetamine or meth-
8 amphetamine, to the extent such costs exceed
9 equitable sharing payments made to such State
10 or local government in such case;”.

11 (b) GRANTS UNDER DRUG CONTROL AND SYSTEM
12 IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 is amended by inserting before the semicolon the following:
15 “and to remove any hazardous substance or pollutant or
16 contaminant associated with the illegal manufacture of
17 amphetamine or methamphetamine”.

18 (c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

19 (1) ASSETS FORFEITURE FUND.—Any amounts
20 made available from the Department of Justice As-
21 sets Forfeiture Fund in a fiscal year by reason of
22 the amendment made by subsection (a) shall supple-
23 ment, and not supplant, any other amounts made
24 available to the Department of Justice in such fiscal
25 year from other sources for payment of costs de-

1 scribed in section 524(c)(1)(E)(ii) of title 28, United
2 States Code, as so amended.

3 (2) GRANT PROGRAM.—Any amounts made
4 available in a fiscal year under the grant program
5 under section 501(b)(3) of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 for the removal
7 of hazardous substances or pollutants or contami-
8 nants associated with the illegal manufacture of am-
9 phetamine or methamphetamine by reason of the
10 amendment made by subsection (b) shall supple-
11 ment, and not supplant, any other amounts made
12 available in such fiscal year from other sources for
13 such removal.

14 **SEC. 11. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT**
15 **INTERNET WEBSITES.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the head of each department, agency,
18 and establishment of the Federal Government shall, in
19 consultation with the Director of the Office of National
20 Drug Control Policy, place antidrug messages on appro-
21 priate Internet websites controlled by such department,
22 agency, or establishment which messages shall, where ap-
23 propriate, contain an electronic hyperlink to the Internet
24 website, if any, of the Office.

1 **SEC. 12. MAIL ORDER REQUIREMENTS.**

2 Section 310(b)(3) of the Controlled Substances Act
3 (21 U.S.C. 830(b)(3)) is amended—

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

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

8 “(A) As used in this paragraph:

9 “(i) The term ‘drug product’ means
10 an active ingredient in dosage form that
11 has been approved or otherwise may be
12 lawfully marketed under the Food, Drug,
13 and Cosmetic Act for distribution in the
14 United States.

15 “(ii) The term ‘valid prescription’
16 means a prescription which is issued for a
17 legitimate medical purpose by an individual
18 practitioner licensed by law to administer
19 and prescribe the drugs concerned and act-
20 ing in the usual course of the practitioner’s
21 professional practice.”;

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

25 (4) adding at the end the following:

1 “(D) Except as provided in subparagraph
2 (E), the following distributions to a nonregu-
3 lated person, and the following export trans-
4 actions, shall not be subject to the reporting re-
5 quirement in subparagraph (B):

6 “(i) Distributions of sample packages
7 of drug products when such packages con-
8 tain not more than 2 solid dosage units or
9 the equivalent of 2 dosage units in liquid
10 form, not to exceed 10 milliliters of liquid
11 per package, and not more than one pack-
12 age is distributed to an individual or resi-
13 dential address in any 30-day period.

14 “(ii) Distributions of drug products by
15 retail distributors that may not include
16 face-to-face transactions to the extent that
17 such distributions are consistent with the
18 activities authorized for a retail distributor
19 as specified in section 102(46).

20 “(iii) Distributions of drug products
21 to a resident of a long term care facility
22 (as that term is defined in regulations pre-
23 scribed by the Attorney General) or dis-
24 tributions of drug products to a long term

1 care facility for dispensing to or for use by
2 a resident of that facility.

3 “(iv) Distributions of drug products
4 pursuant to a valid prescription.

5 “(v) Exports which have been re-
6 ported to the Attorney General pursuant to
7 section 1004 or 1018 or which are subject
8 to a waiver granted under section
9 1018(e)(2).

10 “(vi) Any quantity, method, or type of
11 distribution or any quantity, method, or
12 type of distribution of a specific listed
13 chemical (including specific formulations or
14 drug products) or of a group of listed
15 chemicals (including specific formulations
16 or drug products) which the Attorney Gen-
17 eral has excluded by regulation from such
18 reporting requirement on the basis that
19 such reporting is not necessary for the en-
20 forcement of this title or title III.

21 “(E) The Attorney General may revoke
22 any or all of the exemptions listed in subpara-
23 graph (D) for an individual regulated person if
24 he finds that drug products distributed by the
25 regulated person are being used in violation of

1 this title or title III. The regulated person shall
2 be notified of the revocation, which will be ef-
3 fective upon receipt by the person of such no-
4 tice, as provided in section 1018(c)(1), and
5 shall have the right to an expedited hearing as
6 provided in section 1018(c)(2).”.

7 **SEC. 13. THEFT AND TRANSPORTATION OF ANHYDROUS**
8 **AMMONIA FOR PURPOSES OF ILLICIT PRO-**
9 **DUCTION OF CONTROLLED SUBSTANCES.**

10 (a) IN GENERAL.—Part D of the Controlled Sub-
11 stances Act (21 U.S.C. 841 et seq.) is amended by adding
12 at the end the following:

13 “ANHYDROUS AMMONIA

14 “SEC. 423 (a) It is unlawful for any person—

15 “(1) to steal anhydrous ammonia, or

16 “(2) to transport stolen anhydrous ammonia
17 across State lines,

18 knowing, intending, or having reasonable cause to believe
19 that such anhydrous ammonia will be used to manufacture
20 a controlled substance in violation of this part.

21 “(b) Any person who violates subsection (a) shall be
22 imprisoned or fined, or both, in accordance with section
23 403(d) as if such violation were a violation of a provision
24 of section 403.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for that Act is amended by inserting after the item relat-
3 ing to section 421 the following new items:

“Sec. 422. Drug paraphernalia.
“Sec. 423. Anhydrous ammonia.”.

4 (c) ASSISTANCE FOR CERTAIN RESEARCH.—

5 (1) AGREEMENT.—The Administrator of the
6 Drug Enforcement Administration shall seek to
7 enter into an agreement with Iowa State University
8 in order to permit the University to continue and ex-
9 pand its current research into the development of
10 inert agents that, when added to anhydrous ammo-
11 nia, eliminate the usefulness of anhydrous ammonia
12 as an ingredient in the production of methamphet-
13 amine.

14 (2) REIMBURSABLE PROVISION OF FUNDS.—
15 The agreement under paragraph (1) may provide for
16 the provision to Iowa State University, on a reim-
17 bursable basis, of \$500,000 for purposes the activi-
18 ties specified in that paragraph.

19 (3) AUTHORIZATION OF APPROPRIATIONS.—
20 There is hereby authorized to be appropriated for
21 the Drug Enforcement Administration for fiscal year
22 2000, \$500,000 for purposes of carrying out the
23 agreement under this subsection.

1 **SEC. 14. REPORT ON METHAMPHETAMINE CONSUMPTION**
2 **IN RURAL AREAS, SUBURBAN AREAS, SMALL**
3 **CITIES, MIDSIZE CITIES, AND LARGE CITIES.**

4 (a) IN GENERAL.—The Secretary of Health and
5 Human Services shall submit to the designated commit-
6 tees of Congress on an annual basis a report on the prob-
7 lems caused by methamphetamine consumption in rural
8 areas, suburban areas, small cities, midsize cities, and
9 large cities.

10 (b) CONCERNS ADDRESSED.—Each report submitted
11 under this section shall include an analysis of—

12 (1) the manner in which methamphetamine con-
13 sumption in rural areas differs from methamphet-
14 amine consumption in areas with larger populations,
15 and the means by which to accurately measure those
16 differences;

17 (2) the incidence of methamphetamine abuse in
18 rural areas and the treatment resources available to
19 deal with methamphetamine addiction in those
20 areas;

21 (3) any relationship between methamphetamine
22 consumption in rural areas and a lack of substance
23 abuse treatment in those areas; and

24 (4) any relationship between geographic dif-
25 ferences in the availability of substance abuse treat-

1 ment and the geographic distribution of the meth-
2 amphetamine abuse problem in the United States.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “designated committees of Con-
5 gress” means the following:

6 (A) The Committees on the Judiciary and
7 Appropriations of the Senate.

8 (B) The Committees on the Judiciary and
9 Appropriations of the House of Representatives.

10 (2) The term “large city” means any city that
11 is not a small city or a midsize city.

12 (3) The term “midsize city” means a city with
13 a population under 250,000 and over 20,000.

14 (4) The term “rural area” means a county or
15 parish with a population under 50,000.

16 (5) The term “small city” means a city with a
17 population under 20,000.

18 **SEC. 15. EXPANSION OF METHAMPHETAMINE ABUSE PRE-**
19 **VENTION EFFORTS.**

20 (a) EXPANSION OF EFFORTS.—Section 515 of the
21 Public Health Service Act (42 U.S.C. 290bb–21) is
22 amended by adding at the end the following:

23 “(e)(1) The Administrator may make grants to and
24 enter into contracts and cooperative agreements with pub-
25 lic and nonprofit private entities to enable such entities—

1 “(A) to carry out school-based programs con-
2 cerning the dangers of abuse of and addiction to
3 methamphetamine and other illicit drugs, using
4 methods that are effective and science-based, includ-
5 ing initiatives that give students the responsibility to
6 create their own anti-drug abuse education programs
7 for their schools; and

8 “(B) to carry out community-based abuse and
9 addiction prevention programs relating to meth-
10 amphetamine and other illicit drugs that are effec-
11 tive and science-based.

12 “(2) Amounts made available under a grant, contract
13 or cooperative agreement under paragraph (1) shall be
14 used for planning, establishing, or administering preven-
15 tion programs relating to methamphetamine and other il-
16 licit drugs in accordance with paragraph (3).

17 “(3)(A) Amounts provided under this subsection may
18 be used—

19 “(i) to carry out school-based programs that
20 are focused on those districts with high or increasing
21 rates of methamphetamine abuse and addiction and
22 targeted at populations which are most at risk to
23 start abuse of methamphetamine and other illicit
24 drugs;

1 “(ii) to carry out community-based prevention
2 programs that are focused on those populations
3 within the community that are most at-risk for
4 abuse of and addiction to methamphetamine and
5 other illicit drugs;

6 “(iii) to assist local government entities to con-
7 duct appropriate prevention activities relating to
8 methamphetamine and other illicit drugs;

9 “(iv) to train and educate State and local law
10 enforcement officials, prevention and education offi-
11 cials, members of community anti-drug coalitions
12 and parents on the signs of abuse of and addiction
13 to methamphetamine and other illicit drugs, and the
14 options for treatment and prevention;

15 “(v) for planning, administration, and edu-
16 cational activities related to the prevention of abuse
17 of and addiction to methamphetamine and other il-
18 licit drugs;

19 “(vi) for the monitoring and evaluation of pre-
20 vention activities relating to methamphetamine and
21 other illicit drugs, and reporting and disseminating
22 resulting information to the public; and

23 “(vii) for targeted pilot programs with evalua-
24 tion components to encourage innovation and experi-
25 mentation with new methodologies.

1 “(B) The Administrator shall give priority in making
2 grants under this subsection to rural and urban areas that
3 are experiencing a high rate or rapid increases in meth-
4 amphetamine abuse and addiction.

5 “(4)(A) Not less than \$500,000 of the amount avail-
6 able in each fiscal year to carry out this subsection shall
7 be made available to the Administrator, acting in consulta-
8 tion with other Federal agencies, to support and conduct
9 periodic analyses and evaluations of effective prevention
10 programs for abuse of and addiction to methamphetamine
11 and other illicit drugs and the development of appropriate
12 strategies for disseminating information about and imple-
13 menting these programs.

14 “(B) The Administrator shall submit to the commit-
15 tees of Congress referred to in subparagraph (C) an an-
16 nual report with the results of the analyses and evaluation
17 under subparagraph (A).

18 “(C) The committees of Congress referred to in this
19 subparagraph are the following:

20 “(i) The Committees on Health, Education,
21 Labor, and Pensions, the Judiciary, and Appropria-
22 tions of the Senate.

23 “(ii) The Committees on Commerce, the Judici-
24 ary, and Appropriations of the House of Representa-
25 tives.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS FOR EX-
2 PANSION OF ABUSE PREVENTION EFFORTS AND PRACTI-
3 TIONER REGISTRATION REQUIREMENTS.—There is au-
4 thorized to be appropriated to carry out section 515(e) of
5 the Public Health Service Act (as added by subsection (a))
6 and section 303(g)(2) of the Controlled Substances Act
7 (as added by section 18(a) of this Act), \$15,000,000 for
8 fiscal year 2000, and such sums as may be necessary for
9 each succeeding fiscal year.

10 **SEC. 16. EXPANSION OF METHAMPHETAMINE RESEARCH.**

11 Section 464N of the Public Health Service Act (42
12 U.S.C. 2850–2) is amended by adding at the end the fol-
13 lowing:

14 “(c) METHAMPHETAMINE RESEARCH.—

15 “(1) GRANTS OR COOPERATIVE AGREE-
16 MENTS.—The Director of the Institute may make
17 grants or enter into cooperative agreements to ex-
18 pand the current and on-going interdisciplinary re-
19 search and clinical trials with treatment centers of
20 the National Drug Abuse Treatment Clinical Trials
21 Network relating to methamphetamine abuse and
22 addiction and other biomedical, behavioral, and so-
23 cial issues related to methamphetamine abuse and
24 addiction.

1 “(2) USE OF FUNDS.—Amounts made available
2 under a grant or cooperative agreement under para-
3 graph (1) for methamphetamine abuse and addiction
4 may be used for research and clinical trials relating
5 to—

6 “(A) the effects of methamphetamine
7 abuse on the human body, including the brain;

8 “(B) the addictive nature of methamphet-
9 amine and how such effects differ with respect
10 to different individuals;

11 “(C) the connection between methamphet-
12 amine abuse and mental health;

13 “(D) the identification and evaluation of
14 the most effective methods of prevention of
15 methamphetamine abuse and addiction;

16 “(E) the identification and development of
17 the most effective methods of treatment of
18 methamphetamine addiction, including pharma-
19 cological treatments;

20 “(F) risk factors for methamphetamine
21 abuse;

22 “(G) effects of methamphetamine abuse
23 and addiction on pregnant women and their
24 fetuses;

1 “(H) cultural, social, behavioral, neuro-
2 logical and psychological reasons that individ-
3 uals abuse methamphetamine, or refrain from
4 abusing methamphetamine.

5 “(3) RESEARCH RESULTS.—The Director shall
6 promptly disseminate research results under this
7 subsection to Federal, State and local entities in-
8 volved in combating methamphetamine abuse and
9 addiction.

10 “(4) AUTHORIZATION OF APPROPRIATIONS.—

11 “(A) AUTHORIZATION OF APPROPRIA-
12 TIONS.—There is authorized to be appropriated
13 to carry out paragraph (1), such sums as may
14 be necessary for each fiscal year.

15 “(B) SUPPLEMENT NOT SUPPLANT.—
16 Amounts appropriated pursuant to the author-
17 ization of appropriations in subparagraph (A)
18 for a fiscal year shall supplement and not sup-
19 plant any other amounts appropriated in such
20 fiscal year for research on methamphetamine
21 abuse and addiction.”.

22 **SEC. 17. STUDY OF METHAMPHETAMINE TREATMENT.**

23 (a) STUDY.—

24 (1) REQUIREMENT.—The Secretary of Health
25 and Human Services shall, in consultation with the

1 Institute of Medicine of the National Academy of
2 Sciences, conduct a study on the development of
3 medications for the treatment of addiction to am-
4 phetamine and methamphetamine.

5 (2) REPORT.—Not later than nine months after
6 the date of the enactment of this Act, the Secretary
7 shall submit to the Committees on the Judiciary of
8 the Senate and House of Representatives a report on
9 the results of the study conducted under paragraph
10 (1).

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are hereby authorized to be appropriated for the Depart-
13 ment of Health and Human Services for fiscal year 2000
14 such sums as may be necessary to meet the requirements
15 of subsection (a).

16 **SEC. 18. REGISTRATION REQUIREMENTS FOR PRACTI-**
17 **TIONERS WHO DISPENSE CERTAIN NARCOTIC**
18 **DRUGS FOR MAINTENANCE TREATMENT OR**
19 **DETOXIFICATION TREATMENT.**

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

22 (1) in paragraph (2), by striking “(A) security”
23 and inserting “(i) security”, and by striking “(B)
24 the maintenance” and inserting “(ii) the mainte-
25 nance”;

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

3 (3) by inserting “(1)” after “(g)”;

4 (4) by striking “Practitioners who dispense”
5 and inserting “Except as provided in paragraph (2),
6 practitioners who dispense”; and

7 (5) by adding at the end the following:

8 “(2)(A) Subject to subparagraphs (D) and (G),
9 the requirements of paragraph (1) are waived in the
10 case of the prescribing or dispensing, by a practi-
11 tioner, of narcotic drugs in schedule IV or V or com-
12 binations of such drugs if the practitioner meets the
13 conditions specified in subparagraph (B) and the
14 narcotic drugs or combinations of such drugs meet
15 the conditions specified in subparagraph (C).

16 “(B) For purposes of subparagraph (A), the
17 conditions specified in this subparagraph with re-
18 spect to a practitioner are that, before prescribing of
19 dispensing narcotic drugs in schedule IV or V, or
20 combinations of such drugs, to patients for mainte-
21 nance or detoxification treatment, the practitioner
22 submit to the Secretary a notification of the intent
23 of the practitioner to begin dispensing the drugs or
24 combinations for such purpose, and that the notifi-

1 cation contain the following certifications by the
2 practitioner:

3 “(i) The practitioner is a physician li-
4 censed under State law, and the practitioner
5 has demonstrable training or experience and the
6 ability to treat and manage opiate-dependent
7 patients.

8 “(ii) With respect to patients to whom the
9 practitioner will provide such drugs or combina-
10 tions of drugs, the practitioner has the dem-
11 onstrated capacity to refer the patients for ap-
12 propriate counseling and other appropriate an-
13 cillary services.

14 “(iii) In any case in which the practitioner
15 is not in a group practice, the total number of
16 such patients of the practitioner at any one
17 time will not exceed the applicable number. For
18 purposes of this clause, the applicable number
19 is 20, except that the Secretary may by regula-
20 tion change such total number.

21 “(iv) In any case in which the practitioner
22 is in a group practice, the total number of such
23 patients of the group practice at any one time
24 will not exceed the applicable number. For pur-
25 poses of this clause, the applicable number is

1 20, except that the Secretary may by regulation
2 change such total number, and the Secretary
3 for such purposes may by regulation establish
4 different categories on the basis of the number
5 of practitioners in a group practice and estab-
6 lish for the various categories different numer-
7 ical limitations on the number of such patients
8 that the group practice may have.

9 “(C) For purposes of subparagraph (A), the
10 conditions specified in this subparagraph with re-
11 spect to narcotic drugs in schedule IV or V or com-
12 binations of such drugs are as follows:

13 “(i) The drugs or combinations of drugs
14 have, under the Federal Food, Drug and Cos-
15 metic Act or section 351 of the Public Health
16 Service Act, been approved for use in mainte-
17 nance or detoxification treatment.

18 “(ii) The drugs or combinations of drugs
19 have not been the subject of an adverse deter-
20 mination. For purposes of this clause, an ad-
21 verse determination is a determination pub-
22 lished in the Federal Register and made by the
23 Secretary, after consultation with the Attorney
24 General, that the use of the drugs or combina-
25 tions of drugs for maintenance or detoxification

1 treatment requires additional standards respect-
2 ing the qualifications of practitioners to provide
3 such treatment, or requires standards respect-
4 ing the quantities of the drugs that may be pro-
5 vided for unsupervised use.

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

10 “(I) The notification under subparagraph
11 (B) is in writing and states the name of the
12 practitioner.

13 “(II) The notification identifies the reg-
14 istration issued for the practitioner pursuant to
15 subsection (f).

16 “(III) If the practitioner is a member of a
17 group practice, the notification states the
18 names of the other practitioners in the practice
19 and identifies the registrations issued for the
20 other practitioners pursuant to subsection (f).

21 “(IV) A period of 45 days has elapsed
22 after the date on which the notification was
23 submitted, and during such period the practi-
24 tioner does not receive from the Secretary a
25 written notice that one or more of the condi-

1 tions specified in subparagraph (B), subpara-
2 graph (C), or this subparagraph, have not been
3 met.

4 “(ii) The Secretary shall provide to the Attor-
5 ney General such information contained in notifica-
6 tions under subparagraph (B) as the Attorney Gen-
7 eral may request.

8 “(E) If in violation of subparagraph (A) a prac-
9 titioner dispenses narcotic drugs in schedule IV or V
10 or combinations of such drugs for maintenance
11 treatment or detoxification treatment, the Attorney
12 General may, for purposes of section 304(a)(4), con-
13 sider the practitioner to have committed an act that
14 renders the registration of the practitioner pursuant
15 to subsection (f) to be inconsistent with the public
16 interest.

17 “(F) In this paragraph, the term ‘group prac-
18 tice’ has the meaning given such term in section
19 1877(h)(4) of the Social Security Act.

20 “(G)(i) This paragraph takes effect on the date
21 of enactment of the Methamphetamine Anti-Pro-
22 liferation Act of 1999, and remains in effect there-
23 after except as provided in clause (iii) (relating to a
24 decision by the Secretary or the Attorney General
25 that this paragraph should not remain in effect).

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

7 “(I)(aa) The Secretary shall—

8 “(aaa) make a determination of
9 whether treatments provided under waivers
10 under subparagraph (A) have been effec-
11 tive forms of maintenance treatment and
12 detoxification treatment in clinical settings;

13 “(bbb) make a determination regard-
14 ing whether such waivers have significantly
15 increased (relative to the beginning of such
16 period) the availability of maintenance
17 treatment and detoxification treatment;
18 and

19 “(ccc) make a determination regard-
20 ing whether such waivers have adverse con-
21 sequences for the public health.

22 “(bb) In making determinations under this
23 subclause, the Secretary—

1 “(aa) may collect data from the prac-
2 titioners for whom waivers under subpara-
3 graph (A) are in effect;

4 “(bb) shall issue appropriate guide-
5 lines or regulations (in accordance with
6 procedures for substantive rules under sec-
7 tion 553 of title 5, United States Code)
8 specifying the scope of the data that will
9 be required to be provided under this sub-
10 clause and the means through which the
11 data will be collected;

12 “(cc) shall, with respect to collecting
13 such data, comply with applicable provi-
14 sions of chapter 6 of title 5, United States
15 Code (relating to a regulatory flexibility
16 analysis), and of chapter 8 of such title
17 (relating to congressional review of agency
18 rulemaking); and

19 “(dd) shall make a determination re-
20 garding whether such waivers have adverse
21 consequences for the public health.

22 “(II) The Attorney General shall—

23 “(aa) make a determination of the ex-
24 tent to which there have been violations of
25 the numerical limitations established under

1 subparagraph (B) for the number of indi-
2 viduals to whom a practitioner may provide
3 treatment; and

4 “(bb) make a determination regarding
5 whether waivers under subparagraph (A)
6 have increased (relative to the beginning of
7 such period) the extent to which narcotic
8 drugs in schedule IV or V or combinations
9 of such drugs are being dispensed or pos-
10 sessed in violation of this Act.

11 “(iii) If, before the expiration of the period
12 specified in clause (ii), the Secretary or the Attorney
13 General publishes in the Federal Register a decision,
14 made on the basis of determinations under such
15 clause, that this paragraph should not remain in ef-
16 fect, this paragraph ceases to be in effect 60 days
17 after the date on which the decision is so published.
18 The Secretary shall, in making any such decision,
19 consult with the Attorney General, and shall, in pub-
20 lishing the decision in the Federal Register, include
21 any comments received from the Attorney General
22 for inclusion in the publication. The Attorney Gen-
23 eral shall, in making any such decision, consult with
24 the Secretary, and shall, in publishing the decision
25 in the Federal Register, include any comments re-

1 received from the Secretary for inclusion in the publi-
2 cation.

3 “(H) During the 3-year period beginning on the
4 date of enactment of the Methamphetamine Anti-
5 Proliferation Act 1999, a State may not preclude a
6 practitioner from dispensing narcotic drugs in sched-
7 ule IV or V, or combinations of such drugs, to pa-
8 tients for maintenance or detoxification treatment in
9 accordance with this paragraph, or the other amend-
10 ments made by section 22 of that Act, unless, before
11 the expiration of that 3-year period, the State enacts
12 a law prohibiting a practitioner from dispensing
13 such drugs or combination of drugs.”.

14 (b) CONFORMING AMENDMENTS.—Section 304 of the
15 Controlled Substances Act (21 U.S.C. 824) is amended—

16 (1) in subsection (a), in the matter following
17 paragraph (5), by striking “section 303(g)” each
18 place the term appears and inserting “section
19 303(g)(1)”; and

20 (2) in subsection (d), by striking “section
21 303(g)” and inserting “section 303(g)(1)”.

22 **SEC. 19. ENHANCED PUNISHMENT OF METHAMPHETAMINE**
23 **LABORATORY OPERATORS.**

24 (a) FEDERAL SENTENCING GUIDELINES.—

1 (1) IN GENERAL.—Pursuant to its authority
2 under section 994(p) of title 28, United States Code,
3 the United States Sentencing Commission shall
4 amend the Federal sentencing guidelines in accord-
5 ance with paragraph (2) with respect to any offense
6 relating to the manufacture, attempt to manufac-
7 ture, or conspiracy to manufacture amphetamine or
8 methamphetamine in violation of—

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

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

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

15 (2) REQUIREMENTS.—In carrying out this
16 paragraph, the United States Sentencing Commis-
17 sion shall—

18 (A) if the offense created a substantial risk
19 of harm to human life (other than a life de-
20 scribed in subparagraph (B)) or the environ-
21 ment, increase the base offense level for the
22 offense—

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

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

4 or

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

8 (i) by not less than 6 offense levels
9 above the applicable level in effect on the
10 date of enactment of this Act; or

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

14 (3) EMERGENCY AUTHORITY TO SENTENCING
15 COMMISSION.—The United States Sentencing Com-
16 mission shall promulgate amendments pursuant to
17 this subsection as soon as practicable after the date
18 of enactment of this Act in accordance with the pro-
19 cedure set forth in section 21(a) of the Sentencing
20 Act of 1987 (Public Law 100–182), as though the
21 authority under that Act had not expired.

22 (b) EFFECTIVE DATE.—The amendments made pur-
23 suant to this section shall apply with respect to any of-
24 fense occurring on or after the date that is 60 days after
25 the date of enactment of this Act.

1 **SEC. 20. METHAMPHETAMINE PARAPHERNALIA.**

2 Section 422(d) of the Controlled Substances Act (21
3 U.S.C. 863(d)) is amended in the matter preceding para-
4 graph (1) by inserting “methamphetamine,” after
5 “PCP,”.

○