

# Union Calendar No. 529

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2987

[Report No. 106-878, Part I]

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.

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## 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. CANADY 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

SEPTEMBER 21, 2000

Additional sponsors: Mr. TALENT, Mr. NETHERCUTT, Mr. MORAN of Kansas, Mr. FORBES, Mr. SIMPSON, Mr. OSE, Mr. HERGER, Mr. KUYKENDALL, Mrs. BONO, Mr. WALDEN of Oregon, Mr. BUYER, Mr. BAIRD, Mr. WHITFIELD, Mr. TERRY, and Mrs. EMERSON

SEPTEMBER 21, 2000

Reported from the Committee on the Judiciary with amendments

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

SEPTEMBER 21, 2000

Referral to the Committee on Commerce extended until September 21, 2000

SEPTEMBER 21, 2000

The Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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# 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Methamphetamine and Club Drug Anti-Proliferation Act*  
 6 *of 2000”.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND  
 ABUSE*

*Subtitle A—Criminal Penalties*

*Sec. 101. Enhanced punishment of amphetamine laboratory operators.*

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

*Sec. 103. Mandatory restitution for violations of controlled substances act and controlled substances import and export act relating to amphetamine and methamphetamine.*

*Sec. 104. Methamphetamine paraphernalia.*

*Subtitle B—Enhanced Law Enforcement*

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

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

*Sec. 113. Training for drug enforcement administration and State and local law enforcement personnel relating to clandestine laboratories.*

*Sec. 114. Combatting methamphetamine and amphetamine in high intensity drug trafficking areas.*

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

*Subtitle C—Abuse Prevention and Treatment*

*Sec. 121. Expansion of methamphetamine research.*

*Sec. 122. Methamphetamine and amphetamine treatment initiative by center for substance abuse treatment.*

*Sec. 123. Expansion of methamphetamine abuse prevention efforts.*

*Sec. 124. Study of methamphetamine treatment.*

*Subtitle D—Reports*

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

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

**TITLE II—CONTROLLED SUBSTANCES GENERALLY**

*Subtitle A—Criminal Matters*

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

*Sec. 202. Mail order requirements.*

*Sec. 203. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.*

*Subtitle B—Other Matters*

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

**TITLE III—MISCELLANEOUS**

*Sec. 301. Antidrug messages on Federal government internet websites.*

*Sec. 302. Severability.*

**TITLE IV—CLUB DRUG ANTI-PROLIFERATION**

*Sec. 401. Enhanced punishment of club drug traffickers.*

*Sec. 402. Enhanced punishment of ghb traffickers.*

*Sec. 403. Emergency authority to sentencing commission.*

*Sec. 404. Expansion of club drug abuse prevention efforts.*

**TITLE V—REIMBURSEMENT BY DRUG ENFORCEMENT ADMINISTRATION OF EXPENSES INCURRED TO REMEDIATE METHAMPHETAMINE LABORATORIES**

*Sec. 501. Reimbursement by drug enforcement administration of expenses incurred to remediate methamphetamine laboratories.*

**TITLE VI—FEDERAL DRUG COURTS**

*Sec. 601. Establishment.*

*Sec. 602. Rehabilitation program.*

*Sec. 603. Authorization of appropriations.*

**TITLE VII—STUDY OF THE EFFECT OF MANDATORY MINIMUM SENTENCES FOR NONVIOLENT CONTROLLED SUBSTANCE OFFENSES**

*Sec. 701. Findings.*

*Sec. 702. Department of justice study.*

**TITLE VIII—RULE OF CONSTRUCTION**

*Sec. 801. Rule of construction.*

1 **TITLE I—METHAMPHETAMINE**  
 2 **PRODUCTION, TRAFFICKING,**  
 3 **AND ABUSE**  
 4 **Subtitle A—Criminal Penalties**

5 **SEC. 101. ENHANCED PUNISHMENT OF AMPHETAMINE LAB-**  
 6 **ORATORY OPERATORS.**

7 (a) *AMENDMENT TO FEDERAL SENTENCING GUIDE-*  
 8 *LINES.—Pursuant to its authority under section 994(p) of*  
 9 *title 28, United States Code, the United States Sentencing*  
 10 *Commission shall amend the Federal sentencing guidelines*  
 11 *in accordance with this section with respect to any offense*  
 12 *relating to the manufacture, importation, exportation, or*  
 13 *trafficking in amphetamine (including an attempt or con-*  
 14 *spiracy to do any of the foregoing) in violation of—*

15 (1) *the Controlled Substances Act (21 U.S.C. 801*  
 16 *et seq.);*

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

19 (3) *the Maritime Drug Law Enforcement Act (46*  
 20 *U.S.C. App. 1901 et seq.).*

1       (b) *GENERAL REQUIREMENT.*—*In carrying out this*  
2 *section, the United States Sentencing Commission shall,*  
3 *with respect to each offense described in subsection (a) relat-*  
4 *ing to amphetamine—*

5           (1) *review and amend its guidelines to provide*  
6 *for increased penalties such that those penalties are*  
7 *comparable to the base offense level for methamphet-*  
8 *amine; and*

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

11       (c) *ADDITIONAL REQUIREMENTS.*—*In carrying out*  
12 *this section, the United States Sentencing Commission shall*  
13 *ensure that the sentencing guidelines for offenders convicted*  
14 *of offenses described in subsection (a) reflect the heinous na-*  
15 *ture of such offenses, the need for aggressive law enforcement*  
16 *action to fight such offenses, and the extreme dangers associ-*  
17 *ated with unlawful activity involving amphetamines,*  
18 *including—*

19           (1) *the rapidly growing incidence of amphet-*  
20 *amine abuse and the threat to public safety that such*  
21 *abuse poses;*

22           (2) *the high risk of amphetamine addiction;*

23           (3) *the increased risk of violence associated with*  
24 *amphetamine trafficking and abuse; and*

1           (4) *the recent increase in the illegal importation*  
2           *of amphetamine and precursor chemicals.*

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

10 **SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR**  
11                               **METHAMPHETAMINE LABORATORY OPERA-**  
12                               **TORS.**

13           (a) *FEDERAL SENTENCING GUIDELINES.—*

14           (1) *IN GENERAL.—Pursuant to its authority*  
15           *under section 994(p) of title 28, United States Code,*  
16           *the United States Sentencing Commission shall*  
17           *amend the Federal sentencing guidelines in accord-*  
18           *ance with paragraph (2) with respect to any offense*  
19           *relating to the manufacture, attempt to manufacture,*  
20           *or conspiracy to manufacture amphetamine or meth-*  
21           *amphetamine in violation of—*

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

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

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

3                   (2) *REQUIREMENTS.*—*In carrying out this para-*  
4                   *graph, the United States Sentencing Commission*  
5                   *shall increase the offense level—*

6                   (A) *if the offense created a substantial risk*  
7                   *of harm to human life or the environment;*

8                   (B) *if the offense created a substantial risk*  
9                   *of harm to the life of a minor or incompetent.*

10                  (3) *EMERGENCY AUTHORITY TO SENTENCING*  
11                  *COMMISSION.*—*The United States Sentencing Com-*  
12                  *mission shall promulgate amendments pursuant to*  
13                  *this subsection as soon as practicable after the date of*  
14                  *enactment of this Act in accordance with the proce-*  
15                  *dure set forth in section 21(a) of the Sentencing Act*  
16                  *of 1987 (Public Law 100–182), as though the author-*  
17                  *ity under that Act had not expired.*

18                  (b) *EFFECTIVE DATE.*—*The amendments made pursu-*  
19                  *ant to this section shall apply with respect to any offense*  
20                  *occurring on or after the date that is 60 days after the date*  
21                  *of enactment of this Act.*

1 **SEC. 103. MANDATORY RESTITUTION FOR VIOLATIONS OF**  
2 **CONTROLLED SUBSTANCES ACT AND CON-**  
3 **TROLLED SUBSTANCES IMPORT AND EXPORT**  
4 **ACT RELATING TO AMPHETAMINE AND METH-**  
5 **AMPHETAMINE.**

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

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

10 (2) *by inserting “amphetamine or” before “meth-*  
11 *amphetamine” each place it appears;*

12 (3) *in paragraph (2)—*

13 (A) *by inserting “, the State or local gov-*  
14 *ernment concerned, or both the United States*  
15 *and the State or local government concerned”*  
16 *after “United States” the first place it appears;*  
17 *and*

18 (B) *by inserting “or the State or local gov-*  
19 *ernment concerned, as the case may be,” after*  
20 *“United States” the second place it appears; and*

21 (4) *in paragraph (3), by striking “section 3663*  
22 *of title 18, United States Code” and inserting “sec-*  
23 *tion 3663A of title 18, United States Code”.*

24 (b) *DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUS-*  
25 *TICE ASSETS FORFEITURE FUND.*—Section 524(c)(4) of  
26 *title 28, United States Code, is amended—*



1           (1) by striking “and” at the end of subpara-  
2 graph (B);

3           (2) by striking the period at the end of subpara-  
4 graph (C) and inserting “; and”; and

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

6           “(D) all amounts collected—

7                 “(i) by the United States pursuant to a re-  
8 imbursement order under paragraph (2) of sec-  
9 tion 413(q) of the Controlled Substances Act (21  
10 U.S.C. 853(q)); and

11                 “(ii) pursuant to a restitution order under  
12 paragraph (1) or (3) of section 413(q) of the  
13 Controlled Substances Act for injuries to the  
14 United States.”.

15           (c) *CLARIFICATION OF CERTAIN ORDERS OF RESTITU-*  
16 *TION.*—Section 3663(c)(2)(B) of title 18, United States  
17 Code, is amended by inserting “which may be” after “the  
18 fine”.

19           (d) *EXPANSION OF APPLICABILITY OF MANDATORY*  
20 *RESTITUTION.*—Section 3663A(c)(1)(A)(ii) of title 18,  
21 United States Code, is amended by inserting “or under sec-  
22 tion 416(a) of the Controlled Substances Act (21 U.S.C.  
23 856(a)),” after “under this title,”.

24           (e) *TREATMENT OF ILLICIT SUBSTANCE MANUFAC-*  
25 *TURING OPERATIONS AS CRIMES AGAINST PROPERTY.*—

1 *Section 416 of the Controlled Substances Act (21 U.S.C.*  
 2 *856) is amended by adding at the end the following new*  
 3 *subsection:*

4       “(c) A violation of subsection (a) shall be considered  
 5 an offense against property for purposes of section  
 6 3663A(c)(1)(A)(i) of title 18, United States Code.”.

7 **SEC. 104. METHAMPHETAMINE PARAPHERNALIA.**

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

11                   **Subtitle B—Enhanced Law**  
 12                   **Enforcement**

13 **SEC. 111. ENVIRONMENTAL HAZARDS ASSOCIATED WITH IL-**  
 14                   **LEGAL MANUFACTURE OF AMPHETAMINE**  
 15                   **AND METHAMPHETAMINE.**

16       (a) *USE OF AMOUNTS OR DEPARTMENT OF JUSTICE*  
 17 *ASSETS FORFEITURE FUND.*—*Section 524(c)(1)(E) of title*  
 18 *28, United States Code, is amended—*

19                   (1) *by inserting “(i) for” before “disbursements”;*

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

21                   (3) *by adding at the end the following:*

22                   “(i) *for payment for—*

23                               “(I) *costs incurred by or on behalf of the*  
 24 *Department of Justice in connection with the re-*  
 25 *moval, for purposes of Federal forfeiture and dis-*

1           *position, of any hazardous substance or pollutant*  
2           *or contaminant associated with the illegal manu-*  
3           *facture of amphetamine or methamphetamine;*  
4           *and*

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

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

20          *(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—*

21                 *(1) ASSETS FORFEITURE FUND.—Any amounts*  
22                 *made available from the Department of Justice Assets*  
23                 *Forfeiture Fund in a fiscal year by reason of the*  
24                 *amendment made by subsection (a) shall supplement,*  
25                 *and not supplant, any other amounts made available*

1 *to the Department of Justice in such fiscal year from*  
2 *other sources for payment of costs described in section*  
3 *524(c)(1)(E)(ii) of title 28, United States Code, as so*  
4 *amended.*

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

15 **SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION**  
16 **THRESHOLD FOR NON-SAFE HARBOR PROD-**  
17 **UCTS CONTAINING PSEUDOEPHEDRINE OR**  
18 **PHENYLPROPANOLAMINE.**

19 (a) *REDUCTION IN TRANSACTION THRESHOLD.—Sec-*  
20 *tion 102(39)(A)(iv)(II) of the Controlled Substances Act (21*  
21 *U.S.C. 802(39)(A)(iv)(II)) is amended—*

22 (1) *by striking “24 grams” both places it ap-*  
23 *pears and inserting “9 grams”; and*

24 (2) *by inserting before the semicolon at the end*  
25 *the following: “and sold in package sizes of not more*

1 *than 3 grams of pseudoephedrine base or 3 grams of*  
 2 *phenylpropanolamine base”.*

3 *(b) EFFECTIVE DATE.—The amendments made by sub-*  
 4 *section (a) shall take effect one year after the date of the*  
 5 *enactment of this Act.*

6 **SEC. 113. TRAINING FOR DRUG ENFORCEMENT ADMINIS-**  
 7 **TRATION AND STATE AND LOCAL LAW EN-**  
 8 **FORCEMENT PERSONNEL RELATING TO**  
 9 **CLANDESTINE LABORATORIES.**

10 *(a) IN GENERAL.—*

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

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

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

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

1 *bile clandestine laboratory training teams, which*  
2 *shall provide information and training to State and*  
3 *local law enforcement personnel in techniques utilized*  
4 *in conducting undercover investigations and con-*  
5 *spiracy cases, and other information designed to as-*  
6 *sist in the investigation of the illegal manufacturing*  
7 *and trafficking of amphetamine and methamphet-*  
8 *amine.*

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 personnel*  
16 *to meet any certification requirements under law*  
17 *with respect to the handling of wastes created by*  
18 *illegal amphetamine and methamphetamine lab-*  
19 *oratories; and*

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

10          (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
11          *authorized to be appropriated for each of fiscal years 2001,*  
12          *2002, and 2003 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. 114. 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 in*  
5       *paragraph (1), the Director shall transfer funds to*  
6       *appropriate Federal, State, and local governmental*  
7       *agencies for employing additional Federal law en-*  
8       *forcement personnel, or facilitating the employment of*  
9       *additional State and local law enforcement personnel,*  
10       *including agents, investigators, prosecutors, labora-*  
11       *tory technicians, chemists, investigative assistants,*  
12       *and drug-prevention specialists.*

13       (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
14       *authorized to be appropriated to carry out this section—*

15               (1) *\$15,000,000 for fiscal year 2001; and*

16               (2) *such sums as may be necessary for each of*  
17       *fiscal years 2001 through 2004.*

18       (c) *APPORTIONMENT OF FUNDS.—*

19               (1) *FACTORS IN APPORTIONMENT.—The Director*  
20       *shall apportion amounts appropriated for a fiscal*  
21       *year pursuant to the authorization of appropriations*  
22       *in subsection (b) for activities under subsection (a)*  
23       *among and within areas designated by the Director*  
24       *as high intensity drug trafficking areas based on the*  
25       *following factors:*



1           (A) *The number of methamphetamine man-*  
2 *ufacturing facilities and amphetamine manufac-*  
3 *turing facilities discovered by Federal, State, or*  
4 *local law enforcement officials in the previous*  
5 *fiscal year.*

6           (B) *The number of methamphetamine pros-*  
7 *ecutions and amphetamine prosecutions in Fed-*  
8 *eral, State, or local courts in the previous fiscal*  
9 *year.*

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

14          (D) *The amounts of methamphetamine, am-*  
15 *phetamine, or listed chemicals (as that term is*  
16 *defined in section 102(33) of the Controlled Sub-*  
17 *stances Act (21 U.S.C. 802(33)) seized by Fed-*  
18 *eral, State, or local law enforcement officials in*  
19 *the previous fiscal year.*

20          (E) *Intelligence and predictive data from*  
21 *the Drug Enforcement Administration and the*  
22 *Department of Health and Human Services*  
23 *showing patterns and trends in abuse, traf-*  
24 *ficking, and transportation in methamphet-*

1           *amine, amphetamine, and listed chemicals (as*  
 2           *that term is so defined).*

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

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

17          **SEC. 115. COMBATING AMPHETAMINE AND METHAMPHET-**  
 18                                   **AMINE MANUFACTURING AND TRAFFICKING.**

19          (a) *ACTIVITIES.*—*In order to combat the illegal manu-*  
 20          *facturing and trafficking in amphetamine and meth-*  
 21          *amphetamine, the Administrator of the Drug Enforcement*  
 22          *Administration may—*

23                  (1) *assist State and local law enforcement in*  
 24                  *small and mid-sized communities in all phases of in-*  
 25                  *vestigations related to such manufacturing and traf-*

1       *ficking, including assistance with foreign-language*  
2       *interpretation;*

3               (2) *staff additional regional enforcement and*  
4       *mobile enforcement teams related to such manufac-*  
5       *turing and trafficking;*

6               (3) *establish additional resident offices and posts*  
7       *of duty to assist State and local law enforcement in*  
8       *rural areas in combating such manufacturing and*  
9       *trafficking;*

10              (4) *provide the Special Operations Division of*  
11       *the Administration with additional agents and staff*  
12       *to collect, evaluate, interpret, and disseminate critical*  
13       *intelligence targeting the command and control oper-*  
14       *ations of major amphetamine and methamphetamine*  
15       *manufacturing and trafficking organizations;*

16              (5) *enhance the investigative and related func-*  
17       *tions of the Chemical Control Program of the Admin-*  
18       *istration to implement more fully the provisions of*  
19       *the Comprehensive Methamphetamine Control Act of*  
20       *1996 (Public Law 104–237);*

21              (6) *design an effective means of requiring an ac-*  
22       *curate accounting of the import and export of list I*  
23       *chemicals, and coordinate investigations relating to*  
24       *the diversion of such chemicals;*

1           (7) *develop a computer infrastructure sufficient*  
2 *to receive, process, analyze, and redistribute time-sen-*  
3 *sitive enforcement information from suspicious order*  
4 *reporting to field offices of the Administration and*  
5 *other law enforcement and regulatory agencies, in-*  
6 *cluding the continuing development of the Suspicious*  
7 *Order Reporting and Tracking System (SORTS) and*  
8 *the Chemical Transaction Database (CTRANS) of the*  
9 *Administration;*

10           (8) *establish an education, training, and com-*  
11 *munication process in order to alert the industry to*  
12 *current trends and emerging patterns in the illegal*  
13 *manufacturing of amphetamine and methamphet-*  
14 *amine; and*

15           (9) *carry out such other activities as the Admin-*  
16 *istrator considers appropriate.*

17 *(b) ADDITIONAL POSITIONS AND PERSONNEL.—*

18           (1) *IN GENERAL.—In carrying out activities*  
19 *under subsection (a), the Administrator may establish*  
20 *in the Administration not more than 50 full-time po-*  
21 *sitions, including not more than 31 special-agent po-*  
22 *sitions, and may appoint personnel to such positions.*

23           (2) *PARTICULAR POSITIONS.—In carrying out*  
24 *activities under paragraphs (5) through (8) of sub-*  
25 *section (a), the Administrator may establish in the*

1     *Administration not more than 15 full-time positions,*  
 2     *including not more than 10 diversion investigator po-*  
 3     *sitions, and may appoint personnel to such positions.*  
 4     *Any positions established under this paragraph are in*  
 5     *addition to any positions established under para-*  
 6     *graph (1).*

7     (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 8     *authorized to be appropriated for the Drug Enforcement*  
 9     *Administration for each fiscal year after fiscal year 1999,*  
 10    *\$9,500,000 for purposes of carrying out the activities au-*  
 11    *thorized by subsection (a) and employing personnel in posi-*  
 12    *tions established under subsection (b), of which \$3,000,000*  
 13    *shall be available for activities under paragraphs (5)*  
 14    *through (8) of subsection (a) and for employing personnel*  
 15    *in positions established under subsection (b)(2).*

16    ***Subtitle C—Abuse Prevention and***  
 17                                 ***Treatment***

18    ***SEC. 121. EXPANSION OF METHAMPHETAMINE RESEARCH.***

19         *Section 464N of the Public Health Service Act (42*  
 20    *U.S.C. 285o–2) is amended by adding at the end the fol-*  
 21    *lowing:*

22                 “(c) *METHAMPHETAMINE RESEARCH.—*

23                         “(1) *GRANTS OR COOPERATIVE AGREEMENTS.—*

24                 *The Director of the Institute may make grants or*  
 25                 *enter into cooperative agreements to expand the cur-*

1        *rent and on-going interdisciplinary research and*  
2        *clinical trials with treatment centers of the National*  
3        *Drug Abuse Treatment Clinical Trials Network relat-*  
4        *ing to methamphetamine abuse and addiction and*  
5        *other biomedical, behavioral, and social issues related*  
6        *to methamphetamine abuse and addiction.*

7                *“(2) USE OF FUNDS.—Amounts made available*  
8        *under a grant or cooperative agreement under para-*  
9        *graph (1) for methamphetamine abuse and addiction*  
10        *may be used for research and clinical trials relating*  
11        *to—*

12                        *“(A) the effects of methamphetamine abuse*  
13        *on the human body, including the brain;*

14                        *“(B) the addictive nature of methamphet-*  
15        *amine and how such effects differ with respect to*  
16        *different individuals;*

17                        *“(C) the connection between methamphet-*  
18        *amine abuse and mental health;*

19                        *“(D) the identification and evaluation of*  
20        *the most effective methods of prevention of meth-*  
21        *amphetamine abuse and addiction;*

22                        *“(E) the identification and development of*  
23        *the most effective methods of treatment of meth-*  
24        *amphetamine addiction, including pharma-*  
25        *cological treatments;*

1           “(F) risk factors for methamphetamine  
2 abuse;

3           “(G) effects of methamphetamine abuse and  
4 addiction on pregnant women and their fetuses;  
5 and

6           “(H) cultural, social, behavioral, neuro-  
7 logical and psychological reasons that individ-  
8 uals abuse methamphetamine, or refrain from  
9 abusing methamphetamine.

10          “(3) RESEARCH RESULTS.—The Director shall  
11 promptly disseminate research results under this sub-  
12 section to Federal, State and local entities involved in  
13 combating methamphetamine abuse and addiction.

14          “(4) AUTHORIZATION OF APPROPRIATIONS.—

15           “(A) AUTHORIZATION OF APPROPRIA-  
16 TIONS.—There is authorized to be appropriated  
17 to carry out paragraph (1), such sums as may  
18 be necessary for each fiscal year.

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

1 **SEC. 122. METHAMPHETAMINE AND AMPHETAMINE TREAT-**  
2 **MENT INITIATIVE BY CENTER FOR SUB-**  
3 **STANCE ABUSE TREATMENT.**

4 *Subpart 1 of part B of title V of the Public Health*  
5 *Service Act (42 U.S.C. 290bb et seq.) is amended by adding*  
6 *at the end the following new section:*

7 “*METHAMPHETAMINE AND AMPHETAMINE TREATMENT*  
8 *INITIATIVE*

9 “*SEC. 514. (a) GRANTS.—*

10 *“(1) AUTHORITY TO MAKE GRANTS.—The Direc-*  
11 *tor of the Center for Substance Abuse Treatment may*  
12 *make grants to States and Indian tribes recognized by*  
13 *the United States that have a high rate, or have had*  
14 *a rapid increase, in methamphetamine or amphet-*  
15 *amine abuse or addiction in order to permit such*  
16 *States and Indian tribes to expand activities in con-*  
17 *nection with the treatment of methamphetamine or*  
18 *amphetamine abuser or addiction in the specific geo-*  
19 *graphical areas of such States or Indian tribes, as the*  
20 *case may be, where there is such a rate or has been*  
21 *such an increase.*

22 *“(2) RECIPIENTS.—Any grants under paragraph*  
23 *(1) shall be directed to the substance abuse directors*  
24 *of the States, and of the appropriate tribal govern-*  
25 *ment authorities of the Indian tribes, selected by the*  
26 *Director to receive such grants.*



1           “(3) *NATURE OF ACTIVITIES.*—*Any activities*  
2           *under a grant under paragraph (1) shall be based on*  
3           *reliable scientific evidence of their efficacy in the*  
4           *treatment of methamphetamine or amphetamine*  
5           *abuse or addiction.*

6           “(b) *GEOGRAPHIC DISTRIBUTION.*—*The Director shall*  
7           *ensure that grants under subsection (a) are distributed eq-*  
8           *uitably among the various regions of the country and*  
9           *among rural, urban, and suburban areas that are affected*  
10          *by methamphetamine or amphetamine abuse or addiction.*

11          “(c) *ADDITIONAL ACTIVITIES.*—*The Director shall—*

12                  “(1) *evaluate the activities supported by grants*  
13                  *under subsection (a);*

14                  “(2) *disseminate widely such significant infor-*  
15                  *mation derived from the evaluation as the Director*  
16                  *considers appropriate to assist States, Indian tribes,*  
17                  *and private providers of treatment services for meth-*  
18                  *amphetamine or amphetamine abuser or addiction in*  
19                  *the treatment of methamphetamine or amphetamine*  
20                  *abuse or addiction; and*

21                  “(3) *provide States, Indian tribes, and such pro-*  
22                  *viders with technical assistance in connection with*  
23                  *the provision of such treatment.*

24          “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

1           “(1) *IN GENERAL.*—*There are authorized to be*  
2           *appropriated to carry out this section \$10,000,000 for*  
3           *fiscal year 2001 and such sums as may be necessary*  
4           *for each of fiscal years 2002 and 2003.*

5           “(2) *USE OF CERTAIN FUNDS.*—*Of the funds ap-*  
6           *propriated to carry out this section in any fiscal*  
7           *year, the lesser of 5 percent of such funds or*  
8           *\$1,000,000 shall be available to the Director for pur-*  
9           *poses of carrying out subsection (c).”.*

10 **SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PRE-**  
11 **VENTION EFFORTS.**

12           “(a) *EXPANSION OF EFFORTS.*—*Section 515 of the Pub-*  
13 *lic Health Service Act (42 U.S.C. 290bb–21) is amended*  
14 *by adding at the end the following:*

15           “(e)(1) *The Administrator may make grants to and*  
16 *enter into contracts and cooperative agreements with public*  
17 *and nonprofit private entities to enable such entities—*

18           “(A) *to carry out school-based programs con-*  
19 *cerning the dangers of abuse of and addiction to*  
20 *methamphetamine and other illicit drugs, using meth-*  
21 *ods that are effective and science-based, including ini-*  
22 *tiatives that give students the responsibility to create*  
23 *their own anti-drug abuse education programs for*  
24 *their schools; and*

1           “(B) to carry out community-based abuse and  
2           addiction prevention programs relating to meth-  
3           amphetamine and other illicit drugs that are effective  
4           and science-based.

5           “(2) Amounts made available under a grant, contract  
6           or cooperative agreement under paragraph (1) shall be used  
7           for planning, establishing, or administering prevention pro-  
8           grams relating to methamphetamine and other illicit drugs  
9           in accordance with paragraph (3).

10          “(3)(A) Amounts provided under this subsection may  
11          be used—

12               “(i) to carry out school-based programs that are  
13               focused on those districts with high or increasing  
14               rates of methamphetamine abuse and addiction and  
15               targeted at populations which are most at risk to  
16               start abuse of methamphetamine and other illicit  
17               drugs;

18               “(ii) to carry out community-based prevention  
19               programs that are focused on those populations with-  
20               in the community that are most at-risk for abuse of  
21               and addiction to methamphetamine and other illicit  
22               drugs;

23               “(iii) to assist local government entities to con-  
24               duct appropriate prevention activities relating to  
25               methamphetamine and other illicit drugs;

1           “(iv) to train and educate State and local law  
2 enforcement officials, prevention and education offi-  
3 cials, members of community anti-drug coalitions and  
4 parents on the signs of abuse of and addiction to  
5 methamphetamine and other illicit drugs, and the op-  
6 tions for treatment and prevention;

7           “(v) for planning, administration, and edu-  
8 cational activities related to the prevention of abuse  
9 of and addiction to methamphetamine and other il-  
10 licit drugs;

11           “(vi) for the monitoring and evaluation of pre-  
12 vention activities relating to methamphetamine and  
13 other illicit drugs, and reporting and disseminating  
14 resulting information to the public; and

15           “(vii) for targeted pilot programs with evalua-  
16 tion components to encourage innovation and experi-  
17 mentation with new methodologies.

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

22           “(4)(A) Not less than \$500,000 of the amount available  
23 in each fiscal year to carry out this subsection shall be made  
24 available to the Administrator, acting in consultation with  
25 other Federal agencies, to support and conduct periodic

1 *analyses and evaluations of effective prevention programs*  
2 *for abuse of and addiction to methamphetamine and other*  
3 *illicit drugs and the development of appropriate strategies*  
4 *for disseminating information about and implementing*  
5 *these programs.*

6 “(B) *The Administrator shall submit to the committees*  
7 *of Congress referred to in subparagraph (C) an annual re-*  
8 *port with the results of the analyses and evaluation under*  
9 *subparagraph (A).*

10 “(C) *The committees of Congress referred to in this*  
11 *subparagraph are the following:*

12 “(i) *The Committees on Health, Education,*  
13 *Labor, and Pensions, the Judiciary, and Appropria-*  
14 *tions of the Senate.*

15 “(ii) *The Committees on Commerce, the Judici-*  
16 *ary, and Appropriations of the House of Representa-*  
17 *tives.”.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS FOR EXPAN-*  
19 *SION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER*  
20 *REGISTRATION REQUIREMENTS.—There is authorized to be*  
21 *appropriated to carry out section 515(e) of the Public*  
22 *Health Service Act (as added by subsection (a)) and section*  
23 *303(g)(2) of the Controlled Substances Act (as added by sec-*  
24 *tion 211(a)(5) of this Act), \$15,000,000 for fiscal year 2001,*

1 *and such sums as may be necessary for each succeeding fis-*  
2 *cal year.*

3 **SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.**

4 (a) *STUDY.*—

5 (1) *REQUIREMENT.*—*The Secretary of Health*  
6 *and Human Services shall, in consultation with the*  
7 *Institute of Medicine of the National Academy of*  
8 *Sciences, conduct a study on the development of medi-*  
9 *cations for the treatment of addiction to amphetamine*  
10 *and methamphetamine.*

11 (2) *REPORT.*—*Not later than nine months after*  
12 *the date of the enactment of this Act, the Secretary*  
13 *shall submit to the Committees on the Judiciary of*  
14 *the Senate and House of Representatives a report on*  
15 *the results of the study conducted under paragraph*  
16 *(1).*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
18 *hereby authorized to be appropriated for the Department*  
19 *of Health and Human Services for fiscal year 2001 such*  
20 *sums as may be necessary to meet the requirements of sub-*  
21 *section (a).*

## ***Subtitle D—Reports***

1  
2 ***SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHET-***  
3 ***AMINE AND OTHER ILLICIT DRUGS IN RURAL***  
4 ***AREAS, METROPOLITAN AREAS, AND CON-***  
5 ***SOLIDATED METROPOLITAN AREAS.***

6 *The Secretary of Health and Human Services shall in-*  
7 *clude in each National Household Survey on Drug Abuse*  
8 *appropriate prevalence data and information on the con-*  
9 *sumption of methamphetamine and other illicit drugs in*  
10 *rural areas, metropolitan areas, and consolidated metro-*  
11 *politan areas.*

12 ***SEC. 132. REPORT ON DIVERSION OF ORDINARY, OVER-THE-***  
13 ***COUNTER PSEUDOEPHEDRINE AND PHENYL-***  
14 ***PROPANOLAMINE PRODUCTS.***

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

20 *(1) Information from Federal, State, and local*  
21 *clandestine laboratory seizures and related investiga-*  
22 *tions identifying the source, type, or brand of drug*  
23 *products being utilized and how they were obtained*  
24 *for the illicit production of methamphetamine and*  
25 *amphetamine.*

1           (2) *Information submitted voluntarily from the*  
2           *pharmaceutical and retail industries involved in the*  
3           *manufacture, distribution, and sale of drug products*  
4           *containing ephedrine, pseudoephedrine, and phenyl-*  
5           *propranolamine, including information on changes in*  
6           *the pattern, volume, or both, of sales of ordinary,*  
7           *over-the-counter pseudoephedrine and phenyl-*  
8           *propranolamine products.*

9           **(b) REPORT.—**

10           **(1) REQUIREMENT.—***Not later than one year*  
11           *after the date of the enactment of this Act, the Attor-*  
12           *ney General shall submit to Congress a report on the*  
13           *study conducted under subsection (a).*

14           **(2) ELEMENTS.—***The report shall include—*

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

17                   **(B)** *such recommendations on the need to*  
18                   *establish additional measures to prevent diver-*  
19                   *sion of ordinary, over-the-counter*  
20                   *pseudoephedrine and phenylpropranolamine (such*  
21                   *as a threshold on ordinary, over-the-counter*  
22                   *pseudoephedrine and phenylpropranolamine prod-*  
23                   *ucts) as the Attorney General considers appro-*  
24                   *priate.*



1           (3) *MATTERS CONSIDERED.*—*In preparing the*  
2 *report, the Attorney General shall consider the com-*  
3 *ments and recommendations including the comments*  
4 *on the Attorney General’s proposed findings and rec-*  
5 *ommendations, of State and local law enforcement*  
6 *and regulatory officials and of representatives of the*  
7 *industry described in subsection (a)(2).*

8           (c) *REGULATION OF RETAIL SALES.*—

9           (1) *IN GENERAL.*—*Notwithstanding section*  
10 *401(d) of the Comprehensive Methamphetamine Con-*  
11 *trol Act of 1996 (21 U.S.C. 802 note) and subject to*  
12 *paragraph (2), the Attorney General shall establish by*  
13 *regulation a single-transaction limit of not less than*  
14 *24 grams of ordinary, over-the-counter*  
15 *pseudoephedrine or phenylpropanolamine (as the case*  
16 *may be) for retail distributors, if the Attorney Gen-*  
17 *eral finds, in the report under subsection (b), that—*

18                   (A) *there is a significant number of in-*  
19 *stances (as set forth in paragraph (3)(A) of such*  
20 *section 401(d) for purposes of such section) where*  
21 *ordinary, over-the-counter pseudoephedrine prod-*  
22 *ucts, phenylpropanolamine products, or both*  
23 *such products that were purchased from retail*  
24 *distributors were widely used in the clandestine*  
25 *production of illicit drugs; and*

1                   (B) the best practical method of preventing  
2                   such use is the establishment of single-trans-  
3                   action limits for retail distributors of either or  
4                   both of such products.

5                   (2) *DUE PROCESS.*—The Attorney General shall  
6                   establish the single-transaction limit under paragraph  
7                   (1) only after notice, comment, and an informal hear-  
8                   ing.

9                   **TITLE II—CONTROLLED**  
10                  **SUBSTANCES GENERALLY**  
11                  **Subtitle A—Criminal Matters**

12 **SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN**  
13                   **LIST I CHEMICALS.**

14                  (a) *AMENDMENTS TO FEDERAL SENTENCING GUIDE-*  
15 *LINES.*—Pursuant to its authority under section 994(p) of  
16 *title 28, United States Code, the United States Sentencing*  
17 *Commission shall amend the Federal sentencing guidelines*  
18 *in accordance with this section with respect to any violation*  
19 *of paragraph (1) or (2) of section 401(d) of the Controlled*  
20 *Substances Act (21 U.S.C. 841(d)) involving a list I chem-*  
21 *ical and any violation of paragraph (1) or (3) of section*  
22 *1010(d) of the Controlled Substance Import and Export Act*  
23 *(21 U.S.C. 960(d)) involving a list I chemical.*

24                  (b) *EPHEDRINE, PHENYLPROPANOLAMINE, AND*  
25 *PSEUDOEPHEDRINE.*—

1           (1) *IN GENERAL.*—*In carrying this section, the*  
2           *United States Sentencing Commission shall, with re-*  
3           *spect to each offense described in subsection (a) in-*  
4           *volving ephedrine, phenylpropanolamine, or*  
5           *pseudoephedrine (including their salts, optical iso-*  
6           *mers, and salts of optical isomers), review and amend*  
7           *its guidelines to provide for increased penalties such*  
8           *that those penalties corresponded to the quantity of*  
9           *controlled substance that could reasonably have been*  
10           *manufactured using the quantity of ephedrine, phen-*  
11           *ylpropanolamine, or pseudoephedrine possessed or*  
12           *distributed.*

13           (2) *CONVERSION RATIOS.*—*For the purposes of*  
14           *the amendments made by this subsection, the quantity*  
15           *of controlled substance that could reasonably have*  
16           *been manufactured shall be determined by using a*  
17           *table of manufacturing conversion ratios for ephed-*  
18           *rine, phenylpropanolamine, and pseudoephedrine,*  
19           *which table shall be established by the Sentencing*  
20           *Commission based on scientific, law enforcement, and*  
21           *other data the Sentencing Commission considers ap-*  
22           *propriate.*

23           (c) *OTHER LIST I CHEMICALS.*—*In carrying this sec-*  
24           *tion, the United States Sentencing Commission shall, with*  
25           *respect to each offense described in subsection (a) involving*

1 *any list I chemical other than ephedrine, phenylpropanola-*  
2 *mine, or pseudoephedrine, review and amend its guidelines*  
3 *to provide for increased penalties such that those penalties*  
4 *reflect the dangerous nature of such offenses, the need for*  
5 *aggressive law enforcement action to fight such offenses, and*  
6 *the extreme dangers associated with unlawful activity in-*  
7 *volving methamphetamine and amphetamine, including—*

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

10           (2) *the extreme danger inherent in manufac-*  
11           *turing controlled substances;*

12           (3) *the threat to public safety posed by manufac-*  
13           *turing controlled substances; and*

14           (4) *the recent increase in the importation, pos-*  
15           *session, and distribution of list I chemicals for the*  
16           *purpose of manufacturing controlled substances.*

17           (d) *EMERGENCY AUTHORITY TO SENTENCING COMMIS-*  
18 *SION.—The United States Sentencing Commission shall*  
19 *promulgate amendments pursuant to this section as soon*  
20 *as practicable after the date of the enactment of this Act*  
21 *in accordance with the procedure set forth in section 21(a)*  
22 *of the Sentencing Act of 1987 (Public Law 100–182), as*  
23 *though the authority under that Act had not expired.*

1 **SEC. 202. MAIL ORDER REQUIREMENTS.**

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

4 *(1) by redesignating subparagraphs (A) and (B)*  
5 *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 an ac-*  
10 *tive ingredient in dosage form that has been ap-*  
11 *proved or otherwise may be lawfully marketed*  
12 *under the Food, Drug, and Cosmetic Act for dis-*  
13 *tribution in the United States.*

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

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

23 *(4) adding at the end the following:*

24 *“(D) Except as provided in subparagraph (E),*  
25 *the following distributions to a nonregulated person,*  
26 *and the following export transactions, shall not be*

1       *subject to the reporting requirement in subparagraph*  
2       *(B):*

3               *“(i) Distributions of sample packages of*  
4               *drug products when such packages contain not*  
5               *more than 2 solid dosage units or the equivalent*  
6               *of 2 dosage units in liquid form, not to exceed*  
7               *10 milliliters of liquid per package, and not*  
8               *more than one package is distributed to an indi-*  
9               *vidual or residential address in any 30-day pe-*  
10              *riod.*

11              *“(ii) Distributions of drug products by re-*  
12              *tail distributors that may not include face-to-*  
13              *face transactions to the extent that such distribu-*  
14              *tions are consistent with the activities authorized*  
15              *for a retail distributor as specified in section*  
16              *102(46).*

17              *“(iii) Distributions of drug products to a*  
18              *resident of a long term care facility (as that*  
19              *term is defined in regulations prescribed by the*  
20              *Attorney General) or distributions of drug prod-*  
21              *ucts to a long term care facility for dispensing*  
22              *to or for use by a resident of that facility.*

23              *“(iv) Distributions of drug products pursu-*  
24              *ant to a valid prescription.*

1           “(v) Exports which have been reported to  
2           the Attorney General pursuant to section 1004 or  
3           1018 or which are subject to a waiver granted  
4           under section 1018(e)(2).

5           “(vi) Any quantity, method, or type of dis-  
6           tribution or any quantity, method, or type of  
7           distribution of a specific listed chemical (includ-  
8           ing specific formulations or drug products) or of  
9           a group of listed chemicals (including specific  
10          formulations or drug products) which the Attor-  
11          ney General has excluded by regulation from  
12          such reporting requirement on the basis that  
13          such reporting is not necessary for the enforce-  
14          ment of this title or title III.

15          “(E) The Attorney General may revoke any or  
16          all of the exemptions listed in subparagraph (D) for  
17          an individual regulated person if he finds that drug  
18          products distributed by the regulated person are being  
19          used in violation of this title or title III. The regu-  
20          lated person shall be notified of the revocation, which  
21          will be effective upon receipt by the person of such no-  
22          tice, as provided in section 1018(c)(1), and shall have  
23          the right to an expedited hearing as provided in sec-  
24          tion 1018(c)(2).”.

1 **SEC. 203. THEFT AND TRANSPORTATION OF ANHYDROUS**  
2 **AMMONIA FOR PURPOSES OF ILLICIT PRO-**  
3 **DUCTION OF CONTROLLED SUBSTANCES.**

4 (a) *IN GENERAL.*—*Part D of the Controlled Substances*  
5 *Act (21 U.S.C. 841 et seq.) is amended by adding at the*  
6 *end the following:*

7 “ANHYDROUS AMMONIA

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

9 “(1) *to steal anhydrous ammonia, or*

10 “(2) *to transport stolen anhydrous ammonia*  
11 *across State lines,*

12 *knowing, intending, or having reasonable cause to believe*  
13 *that such anhydrous ammonia will be used to manufacture*  
14 *a controlled substance in violation of this part.*

15 “(b) *Any person who violates subsection (a) shall be*  
16 *imprisoned or fined, or both, in accordance with section*  
17 *403(d) as if such violation were a violation of a provision*  
18 *of section 403.”.*

19 (b) *CLERICAL AMENDMENT.*—*The table of contents for*  
20 *that Act is amended by inserting after the item relating*  
21 *to section 421 the following new items:*

“Sec. 422. *Drug paraphernalia.*

“Sec. 423. *Anhydrous ammonia.*”.

22 (c) *ASSISTANCE FOR CERTAIN RESEARCH.*—

23 (1) *AGREEMENT.*—*The Administrator of the*  
24 *Drug Enforcement Administration shall seek to enter*  
25 *into an agreement with Iowa State University in*



1       order to permit the University to continue and ex-  
2       pand its current research into the development of  
3       inert agents that, when added to anhydrous ammo-  
4       nia, eliminate the usefulness of anhydrous ammonia  
5       as an ingredient in the production of methamphet-  
6       amine.

7               (2) *REIMBURSABLE PROVISION OF FUNDS.*—The  
8       agreement under paragraph (1) may provide for the  
9       provision to Iowa State University, on a reimbursable  
10      basis, of \$500,000 for purposes the activities specified  
11      in that paragraph.

12              (3) *AUTHORIZATION OF APPROPRIATIONS.*—  
13      There is hereby authorized to be appropriated for the  
14      Drug Enforcement Administration for fiscal year  
15      2001, \$500,000 for purposes of carrying out the agree-  
16      ment under this subsection.

## 17                   **Subtitle B—Other Matters**

### 18   **SEC. 211. WAIVER AUTHORITY FOR PHYSICIANS WHO DIS-** 19                   **PENSE OR PRESCRIBE CERTAIN NARCOTIC** 20                   **DRUGS FOR MAINTENANCE TREATMENT OR** 21                   **DETOXIFICATION TREATMENT.**

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

1           (1) in paragraph (2), by striking “(A) security”  
2           and inserting “(i) security”, and by striking “(B) the  
3           maintenance” and inserting “(ii) the maintenance”;

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

6           (3) by inserting “(1)” after “(g)”;

7           (4) by striking “Practitioners who dispense” and  
8           inserting “Except as provided in paragraph (2),  
9           practitioners who dispense or prescribe”; and

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

11          “(2)(A) Subject to subparagraph (D), the requirements  
12          of paragraph (1) are waived in the case of the dispensing  
13          or prescribing, by a physician, of narcotic drugs in schedule  
14          III, IV, or V, or combinations of such drugs, if the physi-  
15          cian meets the conditions specified in subparagraph (B)  
16          and the narcotic drugs or combinations of such drugs meet  
17          the conditions specified in subparagraph (C).

18          “(B)(i) For purposes of subparagraph (A), the condi-  
19          tions specified in this subparagraph with respect to a physi-  
20          cian are that, before initially dispensing or prescribing nar-  
21          cotic drugs in schedule III, IV, or V, or combinations of  
22          such drugs, to patients for maintenance or detoxification  
23          treatment, the physician submit to the Secretary and the  
24          Attorney General a notification of the intent of the physi-  
25          cian to begin dispensing or prescribing the drugs or com-

1 *binations for such purpose, and that the notification to the*  
2 *Secretary also contain the following certifications by the*  
3 *physician:*

4           “(I) *The physician—*

5                   “(aa) *is a physician licensed under State*  
6           *law; and*

7                   “(bb) *has training or experience and the*  
8           *ability to treat and manage opiate-dependent*  
9           *patients.*

10           “(II) *With respect to patients to whom the physi-*  
11           *cian will provide such drugs or combinations of*  
12           *drugs, the physician has the capacity to refer the pa-*  
13           *tients for appropriate counseling and other appro-*  
14           *priate ancillary services.*

15           “(III) *In any case in which the physician is not*  
16           *in a group practice, the total number of such patients*  
17           *of the physician at any one time will not exceed the*  
18           *applicable number. For purposes of this subclause, the*  
19           *applicable number is 30, except that the Secretary*  
20           *may by regulation change such total number.*

21           “(IV) *In any case in which the physician is in*  
22           *a group practice, the total number of such patients of*  
23           *the group practice at any one time will not exceed the*  
24           *applicable number. For purposes of this subclause, the*  
25           *applicable number is 30, except that the Secretary*

1        *may by regulation change such total number, and the*  
2        *Secretary for such purposes may by regulation estab-*  
3        *lish different categories on the basis of the number*  
4        *of physicians in a group practice and establish for*  
5        *the various categories different numerical limitations*  
6        *on the number of such patients that the group prac-*  
7        *tice may have.*

8        *“(ii)(I) The Secretary may, in consultation with the*  
9        *Administrator of the Drug Enforcement Administration,*  
10       *the Administrator of the Substance Abuse and Mental*  
11       *Health Services Administration, the Director of the Center*  
12       *for Substance Abuse Treatment, the Director of the National*  
13       *Institute on Drug Abuse, and the Commissioner of Food*  
14       *and Drugs, issue regulations through notice and comment*  
15       *rulemaking or practice guidelines to address the following:*

16            *“(aa) Approval of additional credentialing bod-*  
17            *ies and the responsibilities of additional credentialing*  
18            *bodies.*

19            *“(bb) Additional exemptions from the require-*  
20            *ments of this paragraph and any regulations under*  
21            *this paragraph.*

22        *“(II) Nothing in the regulations or practice guidelines*  
23        *under this clause may authorize any Federal official or em-*  
24        *ployee to exercise supervision or control over the practice*

1 *of medicine or the manner in which medical services are*  
2 *provided.*

3       “(III)(aa) *The Secretary shall issue a Treatment Im-*  
4 *provement Protocol containing best practice guidelines for*  
5 *the treatment and maintenance of opiate-dependent pa-*  
6 *tients. The Secretary shall develop the protocol in consulta-*  
7 *tion with the Director of the National Institute on Drug*  
8 *Abuse, the Director of the Center for Substance Abuse Treat-*  
9 *ment, the Administrator of the Drug Enforcement Adminis-*  
10 *tration, the Commissioner of Food and Drugs, the Adminis-*  
11 *trator of the Substance Abuse and Mental Health Services*  
12 *Administration, and other substance abuse disorder profes-*  
13 *sionals. The protocol shall be guided by science.*

14       “(bb) *The protocol shall be issued not later than 120*  
15 *days after the date of the enactment of the Methamphet-*  
16 *amine and Club Drug Anti-Proliferation Act of 2000.*

17       “(IV) *For purposes of the regulations or practice*  
18 *guidelines under subclause (I), a physician shall have train-*  
19 *ing or experience under clause (i)(I)(bb) if the physician*  
20 *meets one or more of the following conditions:*

21               “(aa) *The physician is certified in addiction*  
22 *treatment by the American Society of Addiction Med-*  
23 *icine, the American Board of Medical Specialties, the*  
24 *American Osteopathic Academy of Addiction Medi-*

1        *cine, or any other certified body accredited by the*  
2        *Secretary.*

3                *“(bb) The physician has been a clinical investi-*  
4        *gator in a clinical trial conducted for purposes of se-*  
5        *curing approval under section 505 of the Federal*  
6        *Food, Drug, and Cosmetic Act (21 U.S.C. 355) or sec-*  
7        *tion 351 of the Public Health Service Act (42 U.S.C.*  
8        *262) of a narcotic drug in schedule III, IV, or V for*  
9        *the treatment of addiction, if such approval was*  
10       *granted.*

11               *“(cc) The physician has completed training*  
12       *(through classroom situations, seminars, professional*  
13       *society meetings, electronic communications, or other-*  
14       *wise) provided by the American Society of Addiction*  
15       *Medicine, the American Academy of Addiction Psy-*  
16       *chiatry, the American Osteopathic Academy of Addic-*  
17       *tion Medicine, the American Medical Association, the*  
18       *American Osteopathic Association, the American Psy-*  
19       *chiatric Association, or any other organization that*  
20       *the Secretary determines appropriate for purposes of*  
21       *this item. The curricula may include training in pa-*  
22       *tient need for counseling regarding HIV, Hepatitis C,*  
23       *and other infectious diseases, substance abuse coun-*  
24       *seling, random drug testing, medical evaluation, an-*  
25       *nuual assessment, prenatal care, diagnosis of addic-*

1        *tion, rehabilitation services, confidentiality, and other*  
2        *appropriate topics.*

3            *“(dd) The physician has training or experience*  
4        *in the treatment and management of opiate-dependent*  
5        *patients, which training or experience shall meet such*  
6        *criteria as the Secretary may prescribe. Any such cri-*  
7        *teria shall be effective for a period of three years after*  
8        *the effective date of such criteria, but the Secretary*  
9        *may extend the effective period of such criteria by ad-*  
10       *ditional periods of three years for each extension if*  
11       *the Secretary determines that such extension is appro-*  
12       *priate for purposes of this item. Any such extension*  
13       *shall go into effect only if the Secretary publishes a*  
14       *notice of such extension in the Federal Register dur-*  
15       *ing the 30-day period ending on the date of the end*  
16       *of the three-year effective period of such criteria to*  
17       *which such extension will apply.*

18            *“(ee) The physician is certified in addiction*  
19        *treatment by a State medical licensing board, or an*  
20        *entity accredited by such board, unless the Secretary*  
21        *determines (after an opportunity for a hearing) that*  
22        *the training provided by such board or entity was in-*  
23        *adequate for the treatment and management of opi-*  
24        *ate-dependent patients.*

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

5           “(i) The drugs or combinations of drugs have,  
6 under the Federal Food, Drug and Cosmetic Act or  
7 section 351 of the Public Health Service Act, been ap-  
8 proved for use in maintenance or detoxification treat-  
9 ment.

10          “(ii) The drugs or combinations of drugs have  
11 not been the subject of an adverse determination. For  
12 purposes of this clause, an adverse determination is  
13 a determination published in the Federal Register  
14 and made by the Secretary, after consultation with  
15 the Attorney General, that experience since the ap-  
16 proval of the drug or combinations of drugs has  
17 shown that the use of the drugs or combinations of  
18 drugs for maintenance or detoxification treatment re-  
19 quires additional standards respecting the qualifica-  
20 tions of physicians to provide such treatment, or re-  
21 quires standards respecting the quantities of the drugs  
22 that may be provided for unsupervised use.

23          “(D)(i) A waiver under subparagraph (A) with respect  
24 to a physician is not in effect unless (in addition to condi-



1 tions under subparagraphs (B) and (C)) the following con-  
2 ditions are met:

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

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

7           “(III) If the physician is a member of a group  
8 practice, the notification states the names of the other  
9 physicians in the practice and identifies the registra-  
10 tions issued for the other physicians pursuant to sub-  
11 section (f).

12           “(IV) A period of 45 days has elapsed after the  
13 date on which the notification was submitted, and  
14 during such period the physician does not receive  
15 from the Secretary a written notice that one or more  
16 of the conditions specified in subparagraph (B), sub-  
17 paragraph (C), or this subparagraph, have not been  
18 met.

19           “(ii) The Secretary shall provide to the Attorney Gen-  
20 eral such information contained in notifications under sub-  
21 paragraph (B) as the Attorney General may request.

22           “(E) If in violation of subparagraph (A) a physician  
23 dispenses or prescribes narcotic drugs in schedule III, IV,  
24 or V, or combinations of such drugs, for maintenance treat-  
25 ment or detoxification treatment, the Attorney General

1 *may, for purposes of section 304(a)(4), consider the physi-*  
2 *cian to have committed an act that renders the registration*  
3 *of the physician pursuant to subsection (f) to be inconsistent*  
4 *with the public interest.*

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

8       “(ii) *Upon receiving notice with respect to a physician*  
9 *under clause (i), the Attorney General shall assign the phy-*  
10 *sician an identification number under this paragraph for*  
11 *inclusion with the physician’s current registration to pre-*  
12 *scribe narcotics. An identification number assigned a phy-*  
13 *sician under this clause shall be appropriate to preserve the*  
14 *confidentiality of a patient prescribed narcotic drugs cov-*  
15 *ered by this paragraph by the physician.*

16       “(iii) *If the Secretary fails to make a determination*  
17 *described in clause (i) by the end of the 45-day period begin-*  
18 *ning on the date of the receipt by the Secretary of a notifica-*  
19 *tion from a physician under subparagraph (B), the Attor-*  
20 *ney General shall assign the physician an identification*  
21 *number described in clause (ii) at the end of such period.*

22       “(G) *In this paragraph:*

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

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

4           “(H)(i) *This paragraph takes effect on the date of the*  
5           *enactment of the Methamphetamine and Club Drug Anti-*  
6           *Proliferation Act of 2000, and remains in effect thereafter*  
7           *except as provided in clause (iii) (relating to a decision*  
8           *by the Secretary or the Attorney General that this para-*  
9           *graph should not remain in effect).*

10          “(ii) *For the purposes relating to clause (iii), the Sec-*  
11          *retary and the Attorney General shall, during the 3-year*  
12          *period beginning on the date of the enactment of the Meth-*  
13          *amphetamine and Club Drug Anti-Proliferation Act of*  
14          *2000, make determinations in accordance with the fol-*  
15          *lowing:*

16               “(I)(aa) *The Secretary shall—*

17                       “(aaa) *make a determination of whether*  
18                       *treatments provided under waivers under sub-*  
19                       *paragraph (A) have been effective forms of main-*  
20                       *tenance treatment and detoxification treatment*  
21                       *in clinical settings;*

22                       “(bbb) *make a determination regarding*  
23                       *whether such waivers have significantly in-*  
24                       *creased (relative to the beginning of such period)*

1           *the availability of maintenance treatment and*  
2           *detoxification treatment; and*

3           “(ccc) *make a determination regarding*  
4           *whether such waivers have adverse consequences*  
5           *for the public health.*

6           “(bb) *In making determinations under this sub-*  
7           *clause, the Secretary—*

8           “(aaa) *may collect data from the practi-*  
9           *tioners for whom waivers under subparagraph*  
10           *(A) are in effect;*

11           “(bbb) *shall issue appropriate guidelines or*  
12           *regulations (in accordance with procedures for*  
13           *substantive rules under section 553 of title 5,*  
14           *United States Code) specifying the scope of the*  
15           *data that will be required to be provided under*  
16           *this subclause and the means through which the*  
17           *data will be collected; and*

18           “(ccc) *shall, with respect to collecting such*  
19           *data, comply with applicable provisions of chap-*  
20           *ter 6 of title 5, United States Code (relating to*  
21           *a regulatory flexibility analysis), and of chapter*  
22           *8 of such title (relating to congressional review*  
23           *of agency rulemaking).*

24           “(II) *The Attorney General shall—*

1           “(aa) make a determination of the extent to  
2           which there have been violations of the numerical  
3           limitations established under subparagraph (B)  
4           for the number of individuals to whom a practi-  
5           tioner may provide treatment; and

6           “(bb) make a determination regarding  
7           whether waivers under subparagraph (A) have  
8           increased (relative to the beginning of such pe-  
9           riod) the extent to which narcotic drugs in sched-  
10          ule III, IV, or V, or combinations of such drugs,  
11          are being dispensed or prescribed, or possessed,  
12          in violation of this Act.

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

1 *any comments received from the Secretary for inclusion in*  
2 *the publication.*

3       “(I) *During the 3-year period beginning on the date*  
4 *of the enactment of the Methamphetamine and Club Drug*  
5 *Anti-Proliferation Act of 2000, a State may not preclude*  
6 *a practitioner from dispensing or prescribing narcotic*  
7 *drugs in schedule III, IV, or V, or combinations of such*  
8 *drugs, to patients for maintenance or detoxification treat-*  
9 *ment in accordance with this paragraph, or the other*  
10 *amendments made by section 22 of that Act, unless, before*  
11 *the expiration of that 3-year period, the State enacts a law*  
12 *prohibiting a practitioner from dispensing or prescribing*  
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       (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
23 *hereby authorized to be appropriated for purposes of activi-*  
24 *ties under section 303(g)(2) of the Controlled Substances*  
25 *Act, as added by subsection (a), amounts as follows:*

1           (1) *For fiscal year 2001, \$3,000,000.*

2           (2) *For each fiscal year after fiscal year 2001,*  
3           *such sums as may be necessary for such fiscal year.*

4           ***TITLE III—MISCELLANEOUS***

5           ***SEC. 301. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT***

6                           ***INTERNET WEBSITES.***

7           *Not later than 90 days after the date of the enactment*  
8           *of this Act, the head of each department, agency, and estab-*  
9           *lishment of the Federal Government shall, in consultation*  
10           *with the Director of the Office of National Drug Control*  
11           *Policy, place antidrug messages on appropriate Internet*  
12           *websites controlled by such department, agency, or establish-*  
13           *ment which messages shall, where appropriate, contain an*  
14           *electronic hyperlink to the Internet website, if any, of the*  
15           *Office.*

16           ***SEC. 302. SEVERABILITY.***

17           *Any provision of this Act held to be invalid or unen-*  
18           *forceable by its terms, or as applied to any person or cir-*  
19           *cumstance, shall be construed as to give the maximum effect*  
20           *permitted by law, unless such provision is held to be utterly*  
21           *invalid or unenforceable, in which event such provision*  
22           *shall be severed from this Act and shall not affect the appli-*  
23           *cability of the remainder of this Act, or of such provision,*  
24           *to other persons not similarly situated or to other, dis-*  
25           *similar circumstances.*

1           **TITLE IV—CLUB DRUG ANTI-**  
2                           **PROLIFERATION**

3   **SEC. 401. ENHANCED PUNISHMENT OF CLUB DRUG TRAF-**  
4                           **FICKERS.**

5           (a) *AMENDMENT TO FEDERAL SENTENCING GUIDE-*  
6 *LINES.—Pursuant to its authority under section 994(p) of*  
7 *title 28, United States Code, the United States Sentencing*  
8 *Commission shall amend the Federal sentencing guidelines*  
9 *regarding any offense relating to the manufacture, importa-*  
10 *tion, or exportation of, or trafficking in—*

11                   (1) *3,4-methylenedioxy methamphetamine;*

12                   (2) *3,4-methylenedioxy amphetamine;*

13                   (3) *3,4-methylenedioxy-N-ethylamphetamine;*

14                   (4) *paramethoxymethamphetamine (PMA); or*

15                   (5) *any other controlled substance, as determined*

16           *by the Sentencing Commission in consultation with*

17           *the Attorney General, that is marketed as a club drug*

18           *and that has either a chemical structure substantially*

19           *similar to that of 3,4-methylenedioxy methamphet-*

20           *amine or paramethoxymethamphetamine or an effect*

21           *on the central nervous system substantially similar to*

22           *or greater than that of 3,4-methylenedioxy meth-*

23           *amphetamine or paramethoxymethamphetamine; (in-*

24           *cluding an attempt or conspiracy to commit an of-*

25           *fense described in paragraph (1), (2), (3), or (4)) in*



1 *violation of the Controlled Substances Act (21 U.S.C.*  
2 *801 et seq.), the Controlled Substances Import and*  
3 *Export Act (21 U.S.C. 951 et seq.), or the Maritime*  
4 *Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).*

5 *(b) GENERAL REQUIREMENT.—In carrying out this*  
6 *section, the United States Sentencing Commission shall,*  
7 *with respect to each offense described in subsection (a)—*

8 *(1) review and amend the Federal sentencing*  
9 *guidelines to provide for increased penalties such that*  
10 *those penalties are comparable to the base offense lev-*  
11 *els for offenses involving any methamphetamine mix-*  
12 *ture; and*

13 *(2) take any other action the Commission con-*  
14 *siders to be necessary to carry out this subsection.*

15 *(c) ADDITIONAL REQUIREMENTS.—In carrying out*  
16 *this section, the United States Sentencing Commission shall*  
17 *ensure that the Federal Sentencing guidelines for offenders*  
18 *convicted of offenses described in subsection (a) reflect—*

19 *(1) the need for aggressive law enforcement ac-*  
20 *tion with respect to offenses involving the controlled*  
21 *substances described in subsection (a); and*

22 *(2) the dangers associated with unlawful activity*  
23 *involving such substances, including—*

24 *(A) the rapidly growing incidence of abuse*  
25 *of the controlled substances described in sub-*

1           *section (a) and the threat to public safety that*  
2           *such abuse poses;*

3                   *(B) the recent increase in the illegal impor-*  
4           *tation of the controlled substances described in*  
5           *subsection (a);*

6                   *(C) the young age at which children are be-*  
7           *ginning to use the controlled substances described*  
8           *in subsection (a); and*

9                   *(D) any other factor that the Sentencing*  
10          *Commission deems appropriate.*

11 **SEC. 402. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.**

12          *(a) AMENDMENT TO FEDERAL SENTENCING GUIDE-*  
13 *LINES.—Pursuant to its authority under section 994(p) of*  
14 *title 28, United States Code, the United States Sentencing*  
15 *Commission shall amend the Federal sentencing guidelines*  
16 *in accordance with this section with respect to any offense*  
17 *relating to the manufacture, importation, or exportation of,*  
18 *or trafficking in—*

19                   *(1) gamma-hydroxybutyric acid and its salts; or*

20                   *(2) the List I Chemical gamma-butyrolactone;*

21           *(including an attempt or conspiracy to commit an of-*  
22           *fense described in paragraph (1) or (2)) in violation*  
23           *of the Controlled Substances Act (21 U.S.C. 801 et*  
24           *seq.), the Controlled Substances Import and Export*

1       *Act (21 U.S.C. 951 4 et seq.), or the Maritime Drug*  
2       *Law Enforcement Act (46 5 U.S.C. 1901 et seq.).*

3       **(b) GENERAL REQUIREMENTS.**—*In carrying out this*  
4       *section, the United States Sentencing Commission shall*  
5       *with respect to each offense described in subsection (a)—*

6               (1) *review and amend the Federal Sentencing*  
7               *guidelines to provide for increased penalties such that*  
8               *those penalties reflect the seriousness of these offenses*  
9               *and the need to deter them;*

10              (2) *assure that the guidelines provide that of-*  
11              *fenses involving a significant quantity of Schedule I*  
12              *and II depressants are subject to greater terms of im-*  
13              *prisonment than currently provided by the guidelines*  
14              *and that such terms are consistent with applicable*  
15              *statutory maximum penalties; and*

16              (3) *take any other action the Commission con-*  
17              *siders to be necessary to carry out this subsection.*

18       **(c) ADDITIONAL REQUIREMENTS.**—*In carrying out*  
19       *this section, the United States Sentencing Commission shall*  
20       *consider—*

21              (1) *the dangers associated with the use of the*  
22              *substances described in subsection (a), and unlawful*  
23              *activity involving such substances;*

24              (2) *the rapidly growing incidence of abuse of the*  
25              *controlled substances described in subsection (a) and*

1        *the threat to public safety that such abuse poses, in-*  
2        *cluding the dangers posed by overdose; and*

3                *(3) the recent increase in the illegal manufacture*  
4        *of the controlled substances described in subsection*  
5        *(a).*

6        **SEC. 403. EMERGENCY AUTHORITY TO SENTENCING COM-**  
7                **MISSION.**

8        *The United States Sentencing Commission shall pro-*  
9        *mulgate amendments under this Act as soon as practicable*  
10        *after the date of the enactment of this Act in accordance*  
11        *with the procedure set forth in section 21(a) of the Sen-*  
12        *tencing Act of 1987 (Public Law 100–182), as though the*  
13        *authority under that Act had not expired.*

14        **SEC. 404. EXPANSION OF CLUB DRUG ABUSE PREVENTION**  
15                **EFFORTS.**

16        *(a) PUBLIC HEALTH SERVICE ASSISTANCE.—Part A*  
17        *of title V of the Public Health Service Act (42 U.S.C. 20*  
18        *290aa et seq.) is amended by adding at the end the fol-*  
19        *lowing:*

20        **“SEC. 506. GRANTS FOR CLUB DRUG ABUSE PREVENTION.**

21        *(a) AUTHORITY.—The Administrator may make*  
22        *grants to, and enter into contracts and cooperative agree-*  
23        *ments with, public and nonprofit private entities to enable*  
24        *such entities—*

1           “(1) to carry out school-based programs con-  
2           cerning the dangers of abuse of and addiction to 3,4-  
3           methylenedioxy                           methamphetamine,  
4           paramethoxymethamphetamine or related drugs,  
5           using methods that are effective and science-based, in-  
6           cluding initiatives that give students the responsi-  
7           bility to create their own antidrug abuse education  
8           programs for their schools; and

9           “(2) to carry out community-based abuse and  
10          addiction prevention programs relating to 3,4-  
11          methylenedioxy                           methamphetamine,  
12          paramethoxymethamphetamine or related drugs that  
13          are effective and science-based.

14          “(b) USE OF FUNDS.—Amounts made available under  
15          a grant, contract or cooperative agreement under subsection  
16          (a) shall be used for planning, establishing, or admin-  
17          istering prevention programs relating to 3,4-  
18          methylenedioxy                           methamphetamine,  
19          paramethoxymethamphetamine or related drugs in accord-  
20          ance with paragraph (3).

21          “(c)(1) DISCRETIONARY FUNCTIONS.—Amounts pro-  
22          vided under this section may be used—

23                 “(A) to carry out school-based programs that are  
24                 focused on those districts with high or increasing  
25                 rates of abuse and addiction to 3,4-methylenedioxy

1       *methamphetamine, paramethoxymethamphetamine or*  
2       *related drugs and targeted at populations that are*  
3       *most at risk to start abuse of 3,4-methylenedioxy*  
4       *methamphetamine, paramethoxymethamphetamine or*  
5       *related drugs;*

6           “(B) to carry out community-based prevention  
7        programs that are focused on those populations with-  
8        in the community that are most at-risk for abuse of  
9        and addiction to 3,4-methylenedioxy methamphet-  
10      amine, paramethoxymethamphetamine or related  
11      drugs;

12           “(C) to assist local government entities to con-  
13      duct appropriate prevention activities relating to 3,4-  
14      methylenedioxy                           methamphetamine,  
15      paramethoxymethamphetamine or related drugs;

16           “(D) to train and educate State and local law  
17      enforcement officials, prevention and education offi-  
18      cials, health professionals, members of community  
19      antidrug coalitions and parents on the signs of abuse  
20      of and addiction to 3,4-methylenedioxy methamphet-  
21      amine, paramethoxymethamphetamine or related  
22      drugs, and the options for treatment and prevention;

23           “(E) for planning, administration, and edu-  
24      cational activities related to the prevention of abuse  
25      of and addiction to 3,4-methylenedioxy methamphet-

1        *amine, paramethoxymethamphetamine or related*  
2        *drugs;*

3            *“(F) for the monitoring and evaluation of pre-*  
4        *vention activities relating to 3,4-methylenedioxy*  
5        *methamphetamine, paramethoxymethamphetamine or*  
6        *related drugs, and reporting and disseminating re-*  
7        *sulting information to the public; and*

8            *“(G) for targeted pilot programs with evaluation*  
9        *components to encourage innovation and experimen-*  
10       *tation with new methodologies.*

11        *“(2) PRIORITY.—The Administrator shall give pri-*  
12       *ority in making grants under this subsection to rural and*  
13       *urban areas that are experiencing a high rate or rapid in-*  
14       *creases in abuse and addiction to 3,4-methylenedioxy meth-*  
15       *amphetamine, paramethoxymethamphetamine or related*  
16       *drugs.*

17        *“(d)(1) PREVENTION PROGRAM ALLOCATION.—Not*  
18       *less than \$500,000 of the amount available in each fiscal*  
19       *year to carry out this section shall be made available to*  
20       *the Administrator, acting in consultation with other Fed-*  
21       *eral agencies, to support and conduct periodic analyses and*  
22       *evaluations of effective prevention programs for abuse of*  
23       *and addiction to 3,4-methylenedioxy methamphetamine,*  
24       *paramethoxymethamphetamine or related drugs and the de-*

1 *velopment of appropriate strategies for disseminating infor-*  
2 *mation about and implementing these programs.*

3 “(2) *REPORT.—The Administrator shall submit an*  
4 *annual report containing the results of the analyses and*  
5 *evaluations conducted under paragraph (1) to—*

6 “(A) *the Committee on Health, Education,*  
7 *Labor, and Pensions, the Committee on the Judiciary,*  
8 *and the Committee on Appropriations of the Senate;*  
9 *and*

10 “(B) *the Committee on Commerce, the Committee*  
11 *on the Judiciary, and the Committee on Appropria-*  
12 *tions of the House of Representatives.*

13 “(e) *AUTHORIZATION.—There is authorized to be ap-*  
14 *propriated to carry out this subsection—*

15 “(1) *\$5,000,000 for fiscal year 2001; and*

16 “(2) *such sums as may be necessary for each suc-*  
17 *ceeding fiscal year.”.*

18 (b) *NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.—*  
19 *In conducting the national media campaign under section*  
20 *102 of the Drug-Free Media Campaign Act of 1998 (21*  
21 *U.S.C. 1801), the Director of the Office of National Drug*  
22 *Control Policy shall ensure that such campaign addresses*  
23 *the reduction and prevention of abuse of 3,4-methylenedioxy*  
24 *methamphetamine, paramethoxymethamphetamine or re-*  
25 *lated drugs among young people in the United States.*



1 **TITLE V—REIMBURSEMENT BY**  
2 **DRUG ENFORCEMENT ADMIN-**  
3 **ISTRATION OF EXPENSES IN-**  
4 **CURRED TO REMEDIATE**  
5 **METHAMPHETAMINE LABORA-**  
6 **TORIES**

7 **SEC. 501. REIMBURSEMENT BY DRUG ENFORCEMENT AD-**  
8 **MINISTRATION OF EXPENSES INCURRED TO**  
9 **REMEDiate METHAMPHETAMINE LABORA-**  
10 **TORIES.**

11 (a) *REIMBURSEMENT AUTHORIZED.*—The Attorney  
12 General, acting through the Administrator of the Drug En-  
13 forcement Administration, may reimburse States, units of  
14 local government, Indian tribal governments, other public  
15 entities, and multi-jurisdictional or regional consortia  
16 thereof for expenses incurred to clean up and safely dispose  
17 of substances associated with clandestine methamphetamine  
18 laboratories which may present a danger to public health  
19 or the environment.

20 (b) *ADDITIONAL DEA PERSONNEL.*—From amounts  
21 appropriated or otherwise made available to carry out this  
22 section, the Attorney General may hire not more than 5  
23 additional Drug Enforcement Administration personnel to  
24 administer this section.

25 (c) *FUNDING.*—

1           (1) *FISCAL YEAR 2000.*—*From the unobligated*  
2           *balances available to the Department of Justice for*  
3           *fiscal year 2000 to carry out part Q of the Omnibus*  
4           *Crime Control and Safe Streets Act of 1968, known*  
5           *as the Community Oriented Policing Services pro-*  
6           *gram (42 U.S.C. 3796dd et seq.), the Attorney Gen-*  
7           *eral shall make available \$10,000,000 to be used only*  
8           *to carry out this section.*

9           (2) *FISCAL YEAR 2001.*—*There are authorized to*  
10          *be appropriated to the Attorney General to carry out*  
11          *this section \$20,000,000 for fiscal year 2001.*

12                    **TITLE VI—FEDERAL DRUG**  
13                            **COURTS**

14   **SEC. 601. ESTABLISHMENT.**

15           *Notwithstanding any other provision of law, the court,*  
16           *upon the conviction of an individual for a Federal offense*  
17           *which the court determines is a nonviolent drug-related of-*  
18           *fense involving a simple possession quantity of drugs, as*  
19           *defined in the Controlled Substances Act, shall consider sen-*  
20           *tencing that individual to an appropriate rehabilitation*  
21           *program established under this title. In such regard, the*  
22           *court shall consider and use where appropriate—*

23                    (1) *day fines;*

24                    (2) *house arrest;*

25                    (3) *electronic monitoring;*

- 1           (4) *intensive probation supervision;*
- 2           (5) *defense-based sentencing;*
- 3           (6) *day reporting centers;*
- 4           (7) *victim-offender reconciliation;*
- 5           (8) *shock incarceration; and*
- 6           (9) *substance abuse treatment in lieu of incarcer-*
- 7           *ation, including treatment in a therapeutic commu-*
- 8           *nity.*

9   **SEC. 602. REHABILITATION PROGRAM.**

10       (a) *IN GENERAL.*—*The Bureau of Prisons (hereinafter*  
11 *in this title referred to as the “Bureau”)* shall establish and  
12 *maintain a rehabilitation program. The program shall con-*  
13 *sist of—*

- 14           (1) *residential substance abuse treatment; and*
- 15           (2) *aftercare services.*

16       (b) *DEFINITIONS.*—*As used in this title—*

17           (1) *the term “residential substance abuse treat-*  
18 *ment” means a course of individual and group activi-*  
19 *ties, lasting between 9 and 12 months, in residential*  
20 *treatment facilities (which the in case of prisoners are*  
21 *set apart from the general prison population)—*

22           (A) *directed at the substance abuse problems*  
23 *of the convicted person;*

24           (B) *intended to develop a person’s cognitive,*  
25 *behavioral, social, vocational, and other skills so*

1           *as to solve the convicted person’s substance abuse*  
2           *and related problems; and*

3           *(C) shall include—*

4                   *(i) addiction education;*

5                   *(ii) individual, group, and family*  
6                   *counseling pursuant to individualized treat-*  
7                   *ment plans;*

8                   *(iii) opportunity for involvement in*  
9                   *Alcoholics Anonymous, Narcotics Anony-*  
10                   *mous, or Cocaine Anonymous;*

11                   *(iv) parenting skills training, domestic*  
12                   *violence counseling, and sexual abuse coun-*  
13                   *seling, where appropriate;*

14                   *(v) HIV education counseling and test-*  
15                   *ing, when requested, and early intervention*  
16                   *services for seropositive individuals;*

17                   *(vi) services that facilitate access to*  
18                   *health and social services, where appro-*  
19                   *priate and to the extent available; and*

20                   *(vii) planning for and counseling to*  
21                   *assist reentry into society, including refer-*  
22                   *als to appropriate educational, vocational,*  
23                   *and other employment-related programs (to*  
24                   *the extent available), referrals, to appro-*  
25                   *priate outpatient or other drug or alcohol*

1           *treatment, counseling, transitional housing,*  
2           *and assistance in obtaining suitable afford-*  
3           *able housing and employment upon comple-*  
4           *tion of treatment (and release from prison,*  
5           *if applicable);*

6           (2) *the term “aftercare services” means a course*  
7           *of individual and group treatment for a minimum of*  
8           *one year involving sustained and frequent interaction*  
9           *between the program and with individuals who have*  
10           *successfully completed a program of residential sub-*  
11           *stance abuse treatment, and shall include consistent*  
12           *personal interaction between the individual and a*  
13           *primary counselor or case manager, participation in*  
14           *group and individual counseling sessions, social ac-*  
15           *tivities targeted toward a recovering substance abuser,*  
16           *and, where appropriate, more intensive intervention;*  
17           *and*

18           (3) *the term “substance abuse” means the abuse*  
19           *of drugs or alcohol.*

20           (c) *PREFERENCE FOR COMMUNITY-BASED PRO-*  
21           *GRAMS.—Residential substance abuse treatment services*  
22           *shall be provided, to the greatest extent possible, by commu-*  
23           *nity-based drug and alcohol treatment programs.*

24           (d) *REPORT.—The Bureau of Prisons shall transmit*  
25           *to the Congress on January 1, 2002, and on January 1*

1 of each year thereafter, a report. Such report shall  
2 contain—

3 (1) a detailed quantitative and qualitative de-  
4 scription of each substance abuse treatment program,  
5 residential or not, operated by the Bureau; and

6 (2) a complete statement of to what extent the  
7 Bureau has achieved compliance with the require-  
8 ments of this title.

9 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

10 *There are authorized to be appropriated such sums are*  
11 *necessary to carry out this title.*

12 **TITLE VII—STUDY OF THE EF-**  
13 **FECT OF MANDATORY MIN-**  
14 **IMUM SENTENCES FOR NON-**  
15 **VIOLENT CONTROLLED SUB-**  
16 **STANCE OFFENSES**

17 **SEC. 701. FINDINGS.**

18 *The Congress finds that—*

19 (1) *there is substantial evidence that mandatory*  
20 *minimum sentences disproportionately affect people of*  
21 *color and especially African-Americans;*

22 (2) *the use of mandatory minimum sentences has*  
23 *torn apart African-American families and taken a*  
24 *horrible toll on the African-American community;*

1           (3) from 1980 to 1992, the height of the so-called  
2           “War on Drugs,” the rate of incarceration in prisons  
3           rose from 139 to 332 per 100,000 residents and 84  
4           percent of the increase in State prison admissions  
5           was for nonviolent offenders;

6           (4) if incarceration rates remain unchanged,  
7           Justice Department data indicate that an estimated  
8           1 in 20 of today’s children will serve time in prison  
9           during their lifetime;

10          (5) the rate of imprisonment for black men is 8.5  
11          times that of white men, a rate of 3,098 per 100,000,  
12          compared with a white rate of 370;

13          (6) over the last 10 years, the black male rate of  
14          incarceration increased at a rate of 10 times the rate  
15          of that of white men;

16          (7) if the current rate of incarceration remains  
17          unchanged, 28.5 percent of black men will be confined  
18          at least once in their lifetime, a figure 6 times that  
19          of white men;

20          (8) black women are incarcerated at a rate of 8  
21          times that of white women;

22          (9) while the proportion of black drug users has  
23          hovered at 15 percent, blacks constitute 36 percent of  
24          those arrested for drug possession; and

1           (10) between 1990 and 1996, 82 percent of the  
2           increase in black Federal inmates was due to drug of-  
3           fenses.

4   **SEC. 702. DEPARTMENT OF JUSTICE STUDY.**

5           *The Attorney General shall within 1 year after the en-*  
6           *actment of this Act to the Committees on the Judiciary of*  
7           *the House of Representatives and Senate issue a report on*  
8           *the racial impact of mandatory minimum sentences for*  
9           *controlled substance offenses, their effectiveness in reducing*  
10          *drug-related crime by nonviolent offenders in contrast with*  
11          *other approaches such as drug treatment programs, and the*  
12          *appropriateness of the use of such sentences on nonviolent*  
13          *offenders.*

14                           **TITLE VIII—RULE OF**  
15                           **CONSTRUCTION**

16   **SEC. 801. RULE OF CONSTRUCTION.**

17          *Notwithstanding any other provision of this Act, noth-*  
18          *ing in this Act shall be construed to impose any new man-*  
19          *datory minimum sentences.*

Amend the title so as to read: “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.”.





**Union Calendar No. 529**

106TH CONGRESS  
2D SESSION

**H. R. 2987**

**[Report No. 106-878, Part I]**

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**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.

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SEPTEMBER 21, 2000

Reported from the Committee on the Judiciary with amendments

SEPTEMBER 21, 2000

Referral to the Committee on Commerce extended until September 21, 2000

SEPTEMBER 21, 2000

The Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed