

106TH CONGRESS
2D SESSION

H. R. 4248

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act to prevent the proliferation of methamphetamine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2000

Mr. CALVERT (for himself, Mr. REYES, Mrs. BONO, Mr. DOOLEY of California, Mr. LEWIS of California, Mr. BACA, Mr. CUNNINGHAM, Mr. POMBO, Mr. WOLF, Mr. BILBRAY, Mr. GILMAN, Mr. DREIER, Mr. SESSIONS, Mr. ENGLISH, Mr. RADANOVICH, Mr. BAIRD, Mr. HUNTER, Mr. DOOLITTLE, Mr. HERGER, Mr. GARY MILLER of California, Mr. KUYKENDALL, Mr. GALLEGLY, Mr. HORN, Mr. NETHERCUTT, Mr. CANNON, Mr. CONDIT, Mr. STUPAK, Mr. PORTER, Mr. MICA, Mr. GIBBONS, Mr. LATHAM, Mr. MATSUI, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, Mr. GUTIERREZ, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. DANNER, Mr. SMITH of Washington, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. McKEON, Mr. McINNIS, Mr. BONILLA, Mr. WAMP, Mr. RAMSTAD, Mr. GOSS, Mr. ROGAN, Mr. TRAFICANT, Mr. INSLEE, Mrs. EMERSON, Mr. EHLERS, Mr. PACKARD, Mr. SWEENEY, Mr. GOODLATTE, Mr. THORNBERRY, Mr. TALENT, Mr. BLUNT, Mr. HALL of Texas, Mr. SOUDER, Ms. DUNN, Mr. OSE, Mr. SMITH of Texas, Mr. BAKER, Mr. THOMAS, Mr. HULSHOF, Mr. HUTCHINSON, Ms. ESHOO, and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act to prevent the proliferation of methamphetamine, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Working And Reacting
5 (WAR) Against Meth Act of 2000”.

6 **SEC. 2. MANUFACTURING AND DISTRIBUTION OF AMPHET-**
7 **AMINE.**

8 (a) MANUFACTURE OR DISTRIBUTION OF SUBSTAN-
9 TIAL QUANTITIES OF AMPHETAMINE.—Subparagraph (A)
10 of section 401(b)(1) of the Controlled Substances Act (21
11 U.S.C. 841(b)(1)) is amended—

12 (1) by striking “or” at the end of clause (vii);

13 (2) by adding “or” at the end of clause (viii);

14 and

15 (3) by inserting after clause (viii) the following
16 new clause:

17 “(ix) 50 grams or more of amphetamine, its
18 salts, optical isomers, and salts of its optical isomers
19 or 500 grams or more of a mixture or substance
20 containing a detectable amount of amphetamine, its
21 salts, optical isomers, or salts of its optical iso-
22 mers;”.

23 (b) MANUFACTURE OR DISTRIBUTION OF LESSER
24 QUANTITIES OF AMPHETAMINE.—Subparagraph (B) of
25 such section 401(b)(1) is amended—

1 (1) by striking “or” at the end of clause (vii);

2 (2) by adding “or” at the end of clause (viii);

3 and

4 (3) by inserting after clause (viii) the following

5 new clause:

6 “(ix) 5 grams or more of amphetamine, its
7 salts, optical isomers, and salts of its optical isomers
8 or 50 grams or more of a mixture or substance con-
9 taining a detectable amount of amphetamine, its
10 salts, optical isomers, or salts of its optical iso-
11 mers;”.

12 **SEC. 3. IMPORT AND EXPORT OF AMPHETAMINE.**

13 (a) IMPORT OR EXPORT OF SUBSTANTIAL QUAN-
14 TITIES OF AMPHETAMINE.—Paragraph (1) of section
15 1010(b) of the Controlled Substances Import and Export
16 Act (21 U.S.C. 960(b)) is amended—

17 (1) by striking “or” at the end of subparagraph
18 (G);

19 (2) by striking the period at the end of sub-
20 paragraph (H) and inserting “; or”; and

21 (3) by inserting after subparagraph (H) the fol-
22 lowing new subparagraph:

23 “(I) 50 grams or more of amphetamine, its
24 salts, optical isomers, and salts of its optical isomers
25 or 500 grams or more of a mixture or substance

1 containing a detectable amount of amphetamine, its
 2 salts, optical isomers, or salts of its optical iso-
 3 mers;”.

4 (b) IMPORT OR EXPORT OF LESSER QUANTITIES OF
 5 AMPHETAMINE.—Paragraph (2) of such section 1010(b)
 6 is amended—

7 (1) by striking “or” at the end of subparagraph
 8 (G);

9 (2) by striking the period at the end of sub-
 10 paragraph (H) and inserting “; or”; and

11 (3) by inserting after subparagraph (H) the fol-
 12 lowing new subparagraph:

13 “(I) 5 grams or more of amphetamine, its salts,
 14 optical isomers, and salts of its optical isomers or 50
 15 grams or more of a mixture or substance containing
 16 a detectable amount of amphetamine, its salts, opti-
 17 cal isomers, or salts of its optical isomers;”.

18 **SEC. 4. ENDANGERING HUMAN LIFE OR THE ENVIRON-**
 19 **MENT WHILE ILLEGALLY MANUFACTURING**
 20 **CONTROLLED SUBSTANCES.**

21 (a) HARM TO THE ENVIRONMENT.—(1) Section 417
 22 of the Controlled Substances Act (21 U.S.C. 858) is
 23 amended by inserting “or, if the controlled substance con-
 24 sists of methamphetamine, its salts, isomers, or salts of
 25 its isomers, or a mixture or substance containing a detect-

1 able amount of methamphetamine, its salts, isomers, or
2 salts of its isomers, the environment (as defined in section
3 101 of the Comprehensive Environmental Response, Com-
4 pensation, and Liability Act of 1980 (42 U.S.C. 9601))”
5 after “to human life”.

6 (2) The table of contents for that Act is amended
7 in the item relating to section 417 by inserting “or the
8 environment” after “to human life”.

9 (b) ENHANCED PENALTY FOR ESTABLISHMENT OF
10 MANUFACTURING OPERATION.—That section is further
11 amended—

12 (1) by inserting “(a)” before “Whoever”;

13 (2) in subsection (a), as so designated—

14 (A) by inserting “or violating section 416,”
15 after “to do so,” the first place it appears; and

16 (B) by striking “shall be fined” and all
17 that follows and inserting “shall be imprisoned
18 not more than 40 years, and, in addition, may
19 be fined in accordance with title 18, United
20 States Code.”; and

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

22 “(b) Any penalty under subsection (a) for a violation
23 that is also a violation of section 416 shall be in addition
24 to any penalty under section 416 for such violation.”.

1 (c) NATURE OF PARTICULAR CONDUCT.—That sec-
2 tion is further amended by adding at the end the following:

3 “(c) In any case where the conduct at issue is, relates
4 to, or involves the manufacture of amphetamine or meth-
5 amphetamine, such conduct shall, by itself, be rebuttably
6 presumed to constitute the creation of a substantial risk
7 of harm to human life or the environment within the
8 meaning of subsection (a).”.

9 **SEC. 5. NATIONAL CENTER FOR METHAMPHETAMINE**
10 **CLANDESTINE LABORATORY INFORMATION.**

11 (a) ESTABLISHMENT.—At the direction of the Attor-
12 ney General, the El Paso Intelligence Center (hereinafter
13 in this section referred to as “EPIC”) and the Los Ange-
14 les County Regional Criminal Information Clearinghouse
15 (hereinafter in this section referred to as the “LA Clear-
16 inghouse”) shall jointly and in concert constitute the Na-
17 tional Center for Methamphetamine Clandestine Labora-
18 tory Information. EPIC’s National Clandestine Labora-
19 tory Seizure Intelligence database shall provide for the na-
20 tionwide electronic reporting, capture, and retrieval of
21 clandestine laboratory seizure information. This informa-
22 tion shall be analyzed by the LA Clearinghouse, in concert
23 and coordination with EPIC, and disseminated to appro-
24 priate law enforcement agencies in a timely manner.

1 (b) AUTHORIZATION.—There are authorized to be ap-
2 propriated to carry out this section for fiscal year 2000
3 and each of the 4 succeeding fiscal years not to exceed
4 \$2,300,000.

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