

Calendar No. 260

106TH CONGRESS
1ST Session
S. 486

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.

August 5, 1999

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. BOND, Mr. ENZI, Mr. NICKLES, Mr. THURMOND, Mr. KYL, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

AUGUST 5, 1999

Reported by Mr. HATCH, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Determined and Full
3 Engagement Against the Threat of Methamphetamine” or
4 “DEFEAT Meth” Act of 1999.

5 **SEC. 2. ENHANCED PUNISHMENT OF METHAMPHETAMINE**
6 **LABORATORY OPERATORS.**

7 (a) **FEDERAL SENTENCING GUIDELINES.—**

8 (1) **IN GENERAL.**—Pursuant to its authority
9 under section 994(p) of title 28, United States Code,
10 the United States Sentencing Commission shall
11 amend the Federal sentencing guidelines in accord-
12 ance with paragraph (2) with respect to any offense
13 relating to the manufacture, attempt to manufac-
14 ture, or conspiracy to manufacture amphetamine or
15 methamphetamine in violation of—

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

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

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

22 (2) **REQUIREMENTS.**—In carrying out this
23 paragraph, the United States Sentencing Commis-
24 sion shall, with respect to each offense described in
25 paragraph (1)—

1 (A) increase the base offense level for the
2 offense—

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

6 (ii) if the resulting base offense level
7 after an increase under clause (i) would be
8 less than level 27, to not less than level 27;
9 or

10 (B) if the offense created a substantial risk
11 of danger to the health and safety of another
12 person (including any Federal, State, or local
13 law enforcement officer lawfully present at the
14 location of the offense); increase the base of-
15 fense level for the offense—

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

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

22 (3) EMERGENCY AUTHORITY TO SENTENCING
23 COMMISSION.—The United States Sentencing Com-
24 mission shall promulgate amendments pursuant to
25 this subsection as soon as practicable after the date

1 of enactment of this Act in accordance with the pro-
 2 cedure set forth in section 21(a) of the Sentencing
 3 Act of 1987 (Public Law 100-182), as though the
 4 authority under that Act had not expired.

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

9 **SEC. 3. INCREASED RESOURCES FOR LAW ENFORCEMENT.**

10 (a) AUTHORIZATION OF DEA FUNDS TO COMBAT
 11 METHAMPHETAMINES.—

12 (1) PURPOSE.—From amounts made available
 13 to carry out this subsection, the Administrator of
 14 the Drug Enforcement Administration shall imple-
 15 ment a comprehensive approach for targeting and
 16 investigating methamphetamine production, traf-
 17 ficking, and abuse to combat the trafficking of meth-
 18 amphetamine in areas designated by the Director of
 19 National Drug Control Policy as high intensity drug
 20 trafficking areas, which approach shall include—

21 (A) training local law enforcement agents
 22 in the detection and destruction of clandestine
 23 methamphetamine laboratories, and the pros-
 24 ecution of any offense relating to the manufac-
 25 ture, attempt to manufacture, or conspiracy to

1 manufacture methamphetamine in violation of
2 the Controlled Substances Act (21 U.S.C. 801
3 et seq.); the Controlled Substances Import and
4 Export Act (21 U.S.C. 951 et seq.); the Mari-
5 time Drug Law Enforcement Act (46 U.S.C.
6 App. 1901 et seq.); or applicable State law;

7 (B) investigating and assisting in the pros-
8 ecution of methamphetamine traffickers; estab-
9 lishing a national clandestine laboratory com-
10 puter database; reducing the availability of pre-
11 cursor chemicals being diverted to clandestine
12 laboratories in the United States and abroad;
13 and cleaning up the hazardous waste generated
14 by seized clandestine laboratories; and

15 (C) allocating agents to States with the
16 highest rates of clandestine laboratory closures
17 during the most recent 5 fiscal years.

18 ~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

19 There are authorized to be appropriated to carry out
20 this subsection—

21 (A) \$30,000,000 for fiscal year 2000; and

22 (B) such sums as may be necessary for
23 each of fiscal years 2001 through 2004.

24 ~~(b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—~~

1 ~~(1) IN GENERAL.—~~From amounts made avail-
 2 able to carry out this subsection, the Director of Na-
 3 tional Drug Control Policy shall combat the traf-
 4 ficking of methamphetamine in areas designated by
 5 the Director of National Drug Control Policy as
 6 high intensity drug trafficking areas, including the
 7 hiring of new laboratory technicians in rural commu-
 8 nities.

9 ~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~
 10 There are authorized to be appropriated to carry out
 11 this subsection—

12 ~~(A) \$25,000,000 for fiscal year 2000; and~~

13 ~~(B) such sums as may be necessary for~~
 14 each of fiscal years 2001 through 2004.

15 ~~(c) EXPANDING METHAMPHETAMINE ABUSE PRE-~~
 16 ~~VENTION EFFORTS.—~~

17 ~~(1) PREVENTION PROGRAMS AND ACTIVITIES.—~~

18 ~~(A) IN GENERAL.—~~From amounts made
 19 available to carry out this subsection, the Direc-
 20 tor of National Drug Control Policy shall—

21 ~~(i) carry out community-based preven-~~
 22 tion programs that are focused on those
 23 populations within the community that are
 24 most at-risk for methamphetamine abuse
 25 and addiction;

(ii) assist local government entities to conduct appropriate methamphetamine prevention activities;

(iii) train and educate State and local law enforcement officials on the signs of methamphetamine abuse and addiction and the options for treatment and prevention;

(iv) carry out planning, administration, and educational activities related to the prevention of methamphetamine abuse and addiction;

(v) monitor and evaluate methamphetamine prevention activities, and report and disseminate resulting information to the public; and

(vi) carry out targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

(B) PRIORITY.—In carrying out this paragraph, the Director of National Drug Control Policy shall give priority to assisting rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

~~(C) ANALYSES AND EVALUATION.—~~

~~(i) IN GENERAL.—Of the amount made available to carry out this subsection in each fiscal year, not less than \$500,000 shall be used by the Director of National Drug Control Policy, in consultation with the heads of other departments and agencies of the Federal Government—~~

~~(I) to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction; and~~

~~(II) for the development of appropriate strategies for disseminating information about and implementing those programs.~~

~~(ii) ANNUAL REPORTS.—The Director shall annually submit to Congress a report on results of the analyses and evaluations under clause (i) during the preceding 12-month period.~~

~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

~~There are authorized to be appropriated to carry out this subsection—~~

1 (A) \$25,000,000 for fiscal year 2000; and

2 (B) such sums as may be necessary for

3 each of fiscal years 2001 through 2004.

4 **SEC. 4. PRECURSOR CHEMICALS.**

5 Section 102(35) of the Controlled Substances Act (21

6 U.S.C. 802(35)) is amended—

7 (1) by inserting “, or immediate precursor,”

8 after “chemical”;

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

10 “(K) Red phosphorous.

11 “(L) Sodium dichromate.”

12 **SEC. 5. METHAMPHETAMINE PARAPHERNALIA.**

13 Section 422(d) of the Controlled Substances Act

14 (21 U.S.C. 863(d)) is amended by inserting

15 “methamphetamines,” after “PCP,”.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Methamphetamine Anti-*

18 *Proliferation Act of 1999”.*

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

21 (a) *AMENDMENT TO FEDERAL SENTENCING GUIDE-*

22 *LINES.—Pursuant to its authority under section 994(p) of*

23 *title 28, United States Code, the United States Sentencing*

24 *Commission shall amend the Federal sentencing guidelines*

25 *in accordance with this section with respect to any offense*

1 *relating to the manufacture, importation, exportation, or*
 2 *trafficking in amphetamine (including an attempt or con-*
 3 *spiracy to do any of the foregoing) in violation of—*

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

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

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

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

14 *(1) review and amend its guidelines to provide*
 15 *for increased penalties such that those penalties are*
 16 *comparable to the base offense level for methamphet-*
 17 *amine; and*

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

20 *(c) ADDITIONAL REQUIREMENTS.—In carrying out*
 21 *this section, the United States Sentencing Commission shall*
 22 *ensure that the sentencing guidelines for offenders convicted*
 23 *of offenses described in subsection (a) reflect the heinous na-*
 24 *ture of such offenses, the need for aggressive law enforcement*
 25 *action to fight such offenses, and the extreme dangers associ-*

1 *ated with unlawful activity involving amphetamines,*
 2 *including—*

3 *(1) the rapidly growing incidence of amphet-*
 4 *amine abuse and the threat to public safety that such*
 5 *abuse poses;*

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

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

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

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

18 **SEC. 3. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND**

19 **SCHEDULE I CONTROLLED SUBSTANCES.**

20 *(a) DRUG PARAPHERNALIA.—Section 422 of the Con-*
 21 *trolled Substances Act (21 U.S.C. 863) is amended—*

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

24 *(2) by adding at the end the following:*

1 “(g) *In this section, the term ‘directly or indirectly ad-*
 2 *vertise for sale’ includes the use of any communication fa-*
 3 *cility (as that term is defined in section 403(b)) to initiate*
 4 *the posting, publicizing, transmitting, publishing, linking*
 5 *to, broadcasting, or other advertising of any matter (includ-*
 6 *ing a telephone number or electronic or mail address) know-*
 7 *ing that such matter has the purpose of seeking or offering,*
 8 *or is designed to be used, to receive, buy, distribute, or other-*
 9 *wise facilitate a transaction in.”.*

10 (b) *SCHEDULE I CONTROLLED SUBSTANCES.—Section*
 11 *403(c) of such Act (21 U.S.C. 843(c)) is amended—*

12 (1) *in the first sentence, by inserting before the*
 13 *period the following: “, or to directly or indirectly ad-*
 14 *vertise for sale (as that term is defined in section*
 15 *422(g)) any Schedule I controlled substance”;* and

16 (2) *in the second sentence, by striking “term ‘ad-*
 17 *vertisement’” and inserting “term ‘written advertise-*
 18 *ment’”.*

19 **SEC. 4. MANDATORY RESTITUTION FOR VIOLATIONS OF**
 20 **CONTROLLED SUBSTANCES ACT AND CON-**
 21 **TROLLED SUBSTANCES IMPORT AND EXPORT**
 22 **ACT RELATING TO AMPHETAMINE AND METH-**
 23 **AMPHETAMINE.**

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

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

3 (2) *by inserting “amphetamine or” before “meth-*
 4 *amphetamine” each place it appears; and*

5 (3) *in paragraph (2)—*

6 (A) *by inserting “, the State or local gov-*
 7 *ernment concerned, or both the United States*
 8 *and the State or local government concerned”*
 9 *after “United States” the first place it appears;*
 10 *and*

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

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

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

19 (2) *by striking the period at the end of subpara-*
 20 *graph (C) and inserting “; and”; and*

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

22 “(D) *all amounts collected—*

23 *“(i) by the United States pursuant to a re-*
 24 *imbursement order under paragraph (2) of sec-*

1 tion 413(q) of the Controlled Substances Act (21
2 U.S.C. 853(q)); and

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

7 **SEC. 5. CRIMINAL PROHIBITION ON DISTRIBUTION OF CER-**
8 **TAIN INFORMATION RELATING TO THE MANU-**
9 **FACTURE OF CONTROLLED SUBSTANCES.**

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

13 **“CHAPTER 22—CONTROLLED SUBSTANCES**

 “Sec.

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

14 **“§ 421. Distribution of information relating to manu-**
15 **facture of controlled substances**

16 “(a) *PROHIBITION ON DISTRIBUTION OF INFORMATION*
17 *RELATING TO MANUFACTURE OF CONTROLLED SUB-*
18 *STANCES.*—

19 “(1) *CONTROLLED SUBSTANCE DEFINED.*—*In*
20 *this subsection, the term ‘controlled substance’ has the*
21 *meaning given that term in section 102(6) of the Con-*
22 *trolled Substances Act (21 U.S.C. 802(6)).*

23 “(2) *PROHIBITION.*—*It shall be unlawful for any*
24 *person—*

1 “(A) to teach or demonstrate the manufac-
 2 ture of a controlled substance, or to distribute by
 3 any means information pertaining to, in whole
 4 or in part, the manufacture or use of a con-
 5 trolled substance, with the intent that the teach-
 6 ing, demonstration, or information be used for,
 7 or in furtherance of, an activity that constitutes
 8 a Federal crime; or

9 “(B) to teach or demonstrate to any person
 10 the manufacture of a controlled substance, or to
 11 distribute to any person, by any means, infor-
 12 mation pertaining to, in whole or in part, the
 13 manufacture or use of a controlled substance,
 14 knowing that such person intends to use the
 15 teaching, demonstration, or information for, or
 16 in furtherance of, an activity that constitutes a
 17 Federal crime.

18 “(b) *PENALTY.*—Any person who violates subsection
 19 (a) shall be fined under this title, imprisoned not more than
 20 10 years, or both.”.

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

“22. Controlled Substances 421”.

1 **SEC. 6. NOTICE; CLARIFICATION.**

2 (a) *NOTICE OF ISSUANCE.*—Section 3103a of title 18,
3 *United States Code*, is amended by adding at the end the
4 *following new sentence: “With respect to any issuance under*
5 *this section or any other provision of law (including section*
6 *3117 and any rule), any notice required, or that may be*
7 *required, to be given may be delayed pursuant to the stand-*
8 *ards, terms, and conditions set forth in section 2705, unless*
9 *otherwise expressly provided by statute.”.*

10 (b) *CLARIFICATION.*—(1) *Section 2(e) of Public Law*
11 *95–78 (91 Stat. 320) is amended by adding at the end the*
12 *following:*

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

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

18 **SEC. 7. TRAINING FOR DRUG ENFORCEMENT ADMINISTRA-**
19 **TION AND STATE AND LOCAL LAW ENFORCE-**
20 **MENT PERSONNEL RELATING TO CLANDES-**
21 **TINE LABORATORIES.**

22 (a) *IN GENERAL.*—

23 (1) *REQUIREMENT.*—*The Administrator of the*
24 *Drug Enforcement Administration shall carry out the*
25 *programs described in subsection (b) with respect to*
26 *the law enforcement personnel of States and localities*

1 *determined by the Administrator to have significant*
2 *levels of methamphetamine-related or amphetamine-*
3 *related crime or projected by the Administrator to*
4 *have the potential for such levels of crime in the fu-*
5 *ture.*

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

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

10 (1) *ADVANCED MOBILE CLANDESTINE LABORA-*
11 *TORY TRAINING TEAMS.*—*A program of advanced mo-*
12 *bile clandestine laboratory training teams, which*
13 *shall provide information and training to State and*
14 *local law enforcement personnel in techniques utilized*
15 *in conducting undercover investigations and con-*
16 *spiracy cases, and other information designed to as-*
17 *sist in the investigation of the illegal manufacturing*
18 *and trafficking of amphetamine and methamphet-*
19 *amine.*

20 (2) *BASIC CLANDESTINE LABORATORY CERTIFI-*
21 *CATION TRAINING.*—*A program of basic clandestine*
22 *laboratory certification training, which shall provide*
23 *information and training—*

24 (A) *to Drug Enforcement Administration*
25 *personnel and State and local law enforcement*

1 *personnel for purposes of enabling such personnel*
 2 *to meet any certification requirements under law*
 3 *with respect to the handling of wastes created by*
 4 *illegal amphetamine and methamphetamine lab-*
 5 *oratories; and*

6 *(B) to State and local law enforcement per-*
 7 *sonnel for purposes of enabling such personnel to*
 8 *provide the information and training covered by*
 9 *subparagraph (A) to other State and local law*
 10 *enforcement personnel.*

11 (3) *CLANDESTINE LABORATORY RECERTIFI-*
 12 *CATION AND AWARENESS TRAINING.—A program of*
 13 *clandestine laboratory recertification and awareness*
 14 *training, which shall provide information and train-*
 15 *ing to State and local law enforcement personnel for*
 16 *purposes of enabling such personnel to provide recer-*
 17 *tification and awareness training relating to clandes-*
 18 *tine laboratories to additional State and local law en-*
 19 *forcement personnel.*

20 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 21 *authorized to be appropriated for each of fiscal years 2000,*
 22 *2001, and 2002 amounts as follows:*

23 (1) *\$1,500,000 to carry out the program de-*
 24 *scribed in subsection (b)(1).*

1 (2) \$3,000,000 to carry out the program de-
2 scribed in subsection (b)(2).

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

5 **SEC. 8. COMBATTING METHAMPHETAMINE AND AMPHET-**
6 **AMINE IN HIGH INTENSITY DRUG TRAF-**
7 **FICKING AREAS.**

8 (a) *IN GENERAL.*—

9 (1) *IN GENERAL.*—*The Director of National*
10 *Drug Control Policy shall use amounts available*
11 *under this section to combat the trafficking of meth-*
12 *amphetamine and amphetamine in areas designated*
13 *by the Director as high intensity drug trafficking*
14 *areas.*

15 (2) *ACTIVITIES.*—*In meeting the requirement in*
16 *paragraph (1), the Director shall provide funds for—*

17 (A) *employing additional Federal law en-*
18 *forcement personnel, or facilitating the employ-*
19 *ment of additional State and local law enforce-*
20 *ment personnel, including agents, investigators,*
21 *prosecutors, laboratory technicians, chemists, in-*
22 *vestigative assistants, and drug-prevention spe-*
23 *cialists; and*

24 (B) *such other activities as the Director*
25 *considers appropriate.*

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

3 (1) *\$15,000,000 for fiscal year 2000; and*

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

6 (c) *APPORTIONMENT OF FUNDS.—*

7 (1) *FACTORS IN APPORTIONMENT.—The Director*
 8 *shall apportion amounts appropriated for a fiscal*
 9 *year pursuant to the authorization of appropriations*
 10 *in subsection (b) for activities under subsection (a)*
 11 *among and within areas designated by the Director*
 12 *as high intensity drug trafficking areas based on the*
 13 *following factors:*

14 (A) *The number of methamphetamine man-*
 15 *ufacturing facilities and amphetamine manufac-*
 16 *turing facilities discovered by Federal, State, or*
 17 *local law enforcement officials in the previous*
 18 *fiscal year.*

19 (B) *The number of methamphetamine pros-*
 20 *ecutions and amphetamine prosecutions in Fed-*
 21 *eral, State, or local courts in the previous fiscal*
 22 *year.*

23 (C) *The number of methamphetamine ar-*
 24 *rests and amphetamine arrests by Federal, State,*

1 *or local law enforcement officials in the previous*
2 *fiscal year.*

3 *(D) The amounts of methamphetamine, am-*
4 *phetamine, or listed chemicals (as that term is*
5 *defined in section 102(33) of the Controlled Sub-*
6 *stances Act (21 U.S.C. 802(33)) seized by Fed-*
7 *eral, State, or local law enforcement officials in*
8 *the previous fiscal year.*

9 *(E) Intelligence and predictive data from*
10 *the Drug Enforcement Administration and the*
11 *Department of Health and Human Services*
12 *showing patterns and trends in abuse, traf-*
13 *ficking, and transportation in methamphet-*
14 *amine, amphetamine, and listed chemicals (as*
15 *that term is so defined).*

16 *(2) CERTIFICATION.—Before the Director appor-*
17 *tions any funds under this subsection to a high inten-*
18 *sity drug trafficking area, the Director shall certify*
19 *that the law enforcement entities responsible for clan-*
20 *destine methamphetamine and amphetamine labora-*
21 *tory seizures in that area are providing laboratory*
22 *seizure data to the national clandestine laboratory*
23 *database at the El Paso Intelligence Center.*

24 *(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not*
25 *more than 5 percent of the amount appropriated in a fiscal*

1 year pursuant to the authorization of appropriations for
 2 that fiscal year in subsection (b) may be available in that
 3 fiscal year for administrative costs associated with activi-
 4 ties under subsection (a).

5 **SEC. 9. COMBATING AMPHETAMINE AND METHAMPHET-**
 6 **AMINE MANUFACTURING AND TRAFFICKING.**

7 (a) *ACTIVITIES.*—In order to combat the illegal manu-
 8 facturing and trafficking in amphetamine and meth-
 9 amphetamine, the Administrator of the Drug Enforcement
 10 Administration may—

11 (1) assist State and local law enforcement in
 12 small and mid-sized communities in all phases of in-
 13 vestigations related to such manufacturing and traf-
 14 ficking, including assistance with foreign-language
 15 interpretation;

16 (2) staff additional regional enforcement and
 17 mobile enforcement teams related to such manufac-
 18 turing and trafficking;

19 (3) establish additional resident offices and posts
 20 of duty to assist State and local law enforcement in
 21 rural areas in combating such manufacturing and
 22 trafficking;

23 (4) provide the Special Operations Division of
 24 the Administration with additional agents and staff
 25 to collect, evaluate, interpret, and disseminate critical

1 *intelligence targeting the command and control oper-*
 2 *ations of major amphetamine and methamphetamine*
 3 *manufacturing and trafficking organizations; and*

4 *(5) carry out such other activities as the Admin-*
 5 *istrator considers appropriate.*

6 *(b) ADDITIONAL POSITIONS AND PERSONNEL.—In car-*
 7 *rying out activities under subsection (a), the Administrator*
 8 *may establish in the Administration not more than 50 full-*
 9 *time positions, including not more than 31 special-agent*
 10 *positions, and may appoint personnel to such positions.*

11 *(c) AUTHORIZATION OF APPROPRIATIONS.—There are*
 12 *authorized to be appropriated for the Drug Enforcement*
 13 *Administration for each fiscal year after fiscal year 1999,*
 14 *\$6,500,000 for purposes of carrying out the activities au-*
 15 *thorized by subsection (a) and employing personnel in posi-*
 16 *tions established under subsection (b).*

17 **SEC. 10. ENVIRONMENTAL HAZARDS ASSOCIATED WITH IL-**
 18 **LEGAL MANUFACTURE OF AMPHETAMINE**
 19 **AND METHAMPHETAMINE.**

20 *(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE*
 21 *ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title*
 22 *28, United States Code, is amended—*

- 23 *(1) by inserting “(i) for” before “disbursements”;*
 24 *(2) by inserting “and” after the semicolon; and*
 25 *(3) by adding at the end the following:*

1 “(ii) for payment for—

2 “(I) costs incurred by or on behalf of the
3 Department of Justice in connection with the re-
4 moval, for purposes of Federal forfeiture and dis-
5 position, of any hazardous substance or pollutant
6 or contaminant associated with the illegal manu-
7 facture of amphetamine or methamphetamine;
8 and

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

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

24 (c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

1 (1) *ASSETS FORFEITURE FUND.*—Any amounts
 2 made available from the Department of Justice Assets
 3 Forfeiture Fund in a fiscal year by reason of the
 4 amendment made by subsection (a) shall supplement,
 5 and not supplant, any other amounts made available
 6 to the Department of Justice in such fiscal year from
 7 other sources for payment of costs described in section
 8 524(c)(1)(E)(ii) of title 28, United States Code, as so
 9 amended.

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

20 **SEC. 11. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT**
 21 **INTERNET WEBSITES.**

22 Not later than 90 days after the date of the enactment
 23 of this Act, the head of each department, agency, and estab-
 24 lishment of the Federal Government shall, in consultation
 25 with the Director of the Office of National Drug Control

1 *Policy, place antidrug messages on appropriate Internet*
 2 *websites controlled by such department, agency, or establish-*
 3 *ment which messages shall, where appropriate, contain an*
 4 *electronic hyperlink to the Internet website, if any, of the*
 5 *Office.*

6 **SEC. 12. MAIL ORDER REQUIREMENTS.**

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

9 *(1) by redesignating subparagraphs (A) and (B)*
 10 *as subparagraphs (B) and (C), respectively;*

11 *(2) by inserting before subparagraph (B), as so*
 12 *redesignated, the following new subparagraph (A):*

13 *“(A) As used in this paragraph:*

14 *“(i) The term ‘drug product’ means an*
 15 *active ingredient in dosage form that has*
 16 *been approved or otherwise may be lawfully*
 17 *marketed under the Food, Drug, and Cos-*
 18 *metic Act for distribution in the United*
 19 *States.*

20 *“(ii) The term ‘valid prescription’*
 21 *means a prescription which is issued for a*
 22 *legitimate medical purpose by an indi-*
 23 *vidual practitioner licensed by law to ad-*
 24 *minister and prescribe the drugs concerned*

1 *and acting in the usual course of the practi-*
2 *tioner’s professional practice.”;*

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

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

7 *“(D) Except as provided in subparagraph*
8 *(E), the following distributions to a nonregulated*
9 *person, and the following export transactions,*
10 *shall not be subject to the reporting requirement*
11 *in subparagraph (B):*

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

20 *“(ii) Distributions of drug products by*
21 *retail distributors that may not include*
22 *face-to-face transactions to the extent that*
23 *such distributions are consistent with the*
24 *activities authorized for a retail distributor*
25 *as specified in section 102(46).*

1 “(iii) *Distributions of drug products to*
2 *a resident of a long term care facility (as*
3 *that term is defined in regulations pre-*
4 *scribed by the Attorney General) or dis-*
5 *tributions of drug products to a long term*
6 *care facility for dispensing to or for use by*
7 *a resident of that facility.*

8 “(iv) *Distributions of drug products*
9 *pursuant to a valid prescription.*

10 “(v) *Exports which have been reported*
11 *to the Attorney General pursuant to section*
12 *1004 or 1018 or which are subject to a*
13 *waiver granted under section 1018(e)(2).*

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

1 “(E) *The Attorney General may revoke any*
 2 *or all of the exemptions listed in subparagraph*
 3 *(D) for an individual regulated person if he*
 4 *finds that drug products distributed by the regu-*
 5 *lated person are being used in violation of this*
 6 *title or title III. The regulated person shall be*
 7 *notified of the revocation, which will be effective*
 8 *upon receipt by the person of such notice, as pro-*
 9 *vided in section 1018(c)(1), and shall have the*
 10 *right to an expedited hearing as provided in sec-*
 11 *tion 1018(c)(2).”.*

12 **SEC. 13. THEFT AND TRANSPORTATION OF ANHYDROUS AM-**
 13 **MONIA FOR PURPOSES OF ILLICIT PRODUC-**
 14 **TION OF CONTROLLED SUBSTANCES.**

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

18 “ANHYDROUS AMMONIA
 19 “SEC. 423 (a) *It is unlawful for any person—*
 20 “(1) *to steal anhydrous ammonia, or*
 21 “(2) *to transport stolen anhydrous ammonia*
 22 *across State lines,*
 23 *knowing, intending, or having reasonable cause to believe*
 24 *that such anhydrous ammonia will be used to manufacture*
 25 *a controlled substance in violation of this part.*

1 “(b) *Any person who violates subsection (a) shall be*
 2 *imprisoned or fined, or both, in accordance with section*
 3 *403(d) as if such violation were a violation of a provision*
 4 *of section 403.”.*

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

“Sec. 422. Drug paraphernalia.

“Sec. 423. Anhydrous ammonia.”.

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

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

18 (2) *REIMBURSABLE PROVISION OF FUNDS.—The*
 19 *agreement under paragraph (1) may provide for the*
 20 *provision to Iowa State University, on a reimbursable*
 21 *basis, of \$500,000 for purposes the activities specified*
 22 *in that paragraph.*

23 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
 24 *There is hereby authorized to be appropriated for the*

1 *Drug Enforcement Administration for fiscal year*
 2 *2000, \$500,000 for purposes of carrying out the agree-*
 3 *ment under this subsection.*

4 **SEC. 14. REPORT ON METHAMPHETAMINE CONSUMPTION**
 5 **IN RURAL AREAS, SUBURBAN AREAS, SMALL**
 6 **CITIES, MIDSIZE CITIES, AND LARGE CITIES.**

7 (a) *IN GENERAL.*—*The Secretary of Health and*
 8 *Human Services shall submit to the designated committees*
 9 *of Congress on an annual basis a report on the problems*
 10 *caused by methamphetamine consumption in rural areas,*
 11 *suburban areas, small cities, midsize cities, and large cities.*

12 (b) *CONCERNS ADDRESSED.*—*Each report submitted*
 13 *under this section shall include an analysis of—*

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

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

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

1 (4) *any relationship between geographic dif-*
 2 *ferences in the availability of substance abuse treat-*
 3 *ment and the geographic distribution of the meth-*
 4 *amphetamine abuse problem in the United States.*

5 (c) *DEFINITIONS.—In this section:*

6 (1) *The term “designated committees of Con-*
 7 *gress” means the following:*

8 (A) *The Committees on the Judiciary and*
 9 *Appropriations of the Senate.*

10 (B) *The Committees on the Judiciary and*
 11 *Appropriations of the House of Representatives.*

12 (2) *The term “large city” means any city that*
 13 *is not a small city or a midsize city.*

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

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

18 (5) *The term “small city” means a city with a*
 19 *population under 20,000.*

20 **SEC. 15. EXPANSION OF METHAMPHETAMINE ABUSE PRE-**
 21 **VENTION EFFORTS.**

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

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

4 “(A) *to carry out school-based programs con-*
5 *cerning the dangers of abuse of and addiction to*
6 *methamphetamine and other illicit drugs, using meth-*
7 *ods that are effective and science-based, including ini-*
8 *tiatives that give students the responsibility to create*
9 *their own anti-drug abuse education programs for*
10 *their schools; and*

11 “(B) *to carry out community-based abuse and*
12 *addiction prevention programs relating to meth-*
13 *amphetamine and other illicit drugs that are effective*
14 *and science-based.*

15 “(2) *Amounts made available under a grant, contract*
16 *or cooperative agreement under paragraph (1) shall be used*
17 *for planning, establishing, or administering prevention pro-*
18 *grams relating to methamphetamine and other illicit drugs*
19 *in accordance with paragraph (3).*

20 “(3)(A) *Amounts provided under this subsection may*
21 *be used—*

22 “(i) *to carry out school-based programs that are*
23 *focused on those districts with high or increasing*
24 *rates of methamphetamine abuse and addiction and*
25 *targeted at populations which are most at risk to*

1 *start abuse of methamphetamine and other illicit*
2 *drugs;*

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

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

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

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

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

1 “(vii) for targeted pilot programs with evalua-
2 tion components to encourage innovation and experi-
3 mentation with new methodologies.

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

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

17 “(B) The Administrator shall submit to the committees
18 of Congress referred to in subparagraph (C) an annual re-
19 port with the results of the analyses and evaluation under
20 subparagraph (A).

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

23 “(i) The Committees on Health, Education,
24 Labor, and Pensions, the Judiciary, and Appropria-
25 tions of the Senate.

1 “(ii) *The Committees on Commerce, the Judici-*
 2 *ary, and Appropriations of the House of Representa-*
 3 *tives.*”.

4 **(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPAN-**
 5 **SION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER**
 6 **REGISTRATION REQUIREMENTS.**—*There is authorized to be*
 7 *appropriated to carry out section 515(e) of the Public*
 8 *Health Service Act (as added by subsection (a)) and section*
 9 *303(g)(2) of the Controlled Substances Act (as added by sec-*
 10 *tion 18(a) of this Act), \$15,000,000 for fiscal year 2000,*
 11 *and such sums as may be necessary for each succeeding fis-*
 12 *cal year.*

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

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

17 **“(c) METHAMPHETAMINE RESEARCH.**—

18 **“(1) GRANTS OR COOPERATIVE AGREEMENTS.**—
 19 *The Director of the Institute may make grants or*
 20 *enter into cooperative agreements to expand the cur-*
 21 *rent and on-going interdisciplinary research and*
 22 *clinical trials with treatment centers of the National*
 23 *Drug Abuse Treatment Clinical Trials Network relat-*
 24 *ing to methamphetamine abuse and addiction and*

1 *other biomedical, behavioral, and social issues related*
2 *to methamphetamine abuse and addiction.*

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

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

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

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

15 *“(D) the identification and evaluation of*
16 *the most effective methods of prevention of meth-*
17 *amphetamine abuse and addiction;*

18 *“(E) the identification and development of*
19 *the most effective methods of treatment of meth-*
20 *amphetamine addiction, including pharma-*
21 *cological treatments;*

22 *“(F) risk factors for methamphetamine*
23 *abuse;*

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

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

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

9 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—

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

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

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

22 (a) *STUDY.*—

23 (1) *REQUIREMENT.*—*The Secretary of Health*
 24 *and Human Services shall, in consultation with the*
 25 *Institute of Medicine of the National Academy of*

1 *Sciences, conduct a study on the development of medi-*
 2 *cations for the treatment of addiction to amphetamine*
 3 *and methamphetamine.*

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

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

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

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

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

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

1 (3) by inserting “(1)” after “(g)”;

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

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

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

14 “(B) For purposes of subparagraph (A), the con-
15 ditions specified in this subparagraph with respect to
16 a practitioner are that, before prescribing or dis-
17 pensing narcotic drugs in schedule IV or V, or com-
18 binations of such drugs, to patients for maintenance
19 or detoxification treatment, the practitioner submit to
20 the Secretary a notification of the intent of the prac-
21 titioner to begin dispensing the drugs or combinations
22 for such purpose, and that the notification contain the
23 following certifications by the practitioner:

24 “(i) The practitioner is a physician licensed
25 under State law, and the practitioner has de-

1 *monstrable training or experience and the ability*
2 *to treat and manage opiate-dependent patients.*

3 *“(ii) With respect to patients to whom the*
4 *practitioner will provide such drugs or combina-*
5 *tions of drugs, the practitioner has the dem-*
6 *onstrated capacity to refer the patients for ap-*
7 *propriate counseling and other appropriate an-*
8 *cillary services.*

9 *“(iii) In any case in which the practitioner*
10 *is not in a group practice, the total number of*
11 *such patients of the practitioner at any one time*
12 *will not exceed the applicable number. For pur-*
13 *poses of this clause, the applicable number is 20,*
14 *except that the Secretary may by regulation*
15 *change such total number.*

16 *“(iv) In any case in which the practitioner*
17 *is in a group practice, the total number of such*
18 *patients of the group practice at any one time*
19 *will not exceed the applicable number. For pur-*
20 *poses of this clause, the applicable number is 20,*
21 *except that the Secretary may by regulation*
22 *change such total number, and the Secretary for*
23 *such purposes may by regulation establish dif-*
24 *ferent categories on the basis of the number of*
25 *practitioners in a group practice and establish*

1 *for the various categories different numerical*
2 *limitations on the number of such patients that*
3 *the group practice may have.*

4 “(C) *For purposes of subparagraph (A), the con-*
5 *ditions specified in this subparagraph with respect to*
6 *narcotic drugs in schedule IV or V or combinations*
7 *of such drugs are as follows:*

8 “(i) *The drugs or combinations of drugs*
9 *have, under the Federal Food, Drug and Cos-*
10 *metic Act or section 351 of the Public Health*
11 *Service Act, been approved for use in mainte-*
12 *nance or detoxification treatment.*

13 “(ii) *The drugs or combinations of drugs*
14 *have not been the subject of an adverse deter-*
15 *mination. For purposes of this clause, an adverse*
16 *determination is a determination published in*
17 *the Federal Register and made by the Secretary,*
18 *after consultation with the Attorney General,*
19 *that the use of the drugs or combinations of*
20 *drugs for maintenance or detoxification treat-*
21 *ment requires additional standards respecting*
22 *the qualifications of practitioners to provide such*
23 *treatment, or requires standards respecting the*
24 *quantities of the drugs that may be provided for*
25 *unsupervised use.*

1 “(D)(i) A waiver under subparagraph (A) with
2 respect to a practitioner is not in effect unless (in ad-
3 dition to conditions under subparagraphs (B) and
4 (C)) the following conditions are met:

5 “(I) The notification under subparagraph
6 (B) is in writing and states the name of the
7 practitioner.

8 “(II) The notification identifies the reg-
9 istration issued for the practitioner pursuant to
10 subsection (f).

11 “(III) If the practitioner is a member of a
12 group practice, the notification states the names
13 of the other practitioners in the practice and
14 identifies the registrations issued for the other
15 practitioners pursuant to subsection (f).

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

23 “(ii) The Secretary shall provide to the Attorney
24 General such information contained in notifications

1 under subparagraph (B) as the Attorney General may
2 request.

3 “(E) If in violation of subparagraph (A) a prac-
4 titioner dispenses narcotic drugs in schedule IV or V
5 or combinations of such drugs for maintenance treat-
6 ment or detoxification treatment, the Attorney Gen-
7 eral may, for purposes of section 304(a)(4), consider
8 the practitioner to have committed an act that ren-
9 ders the registration of the practitioner pursuant to
10 subsection (f) to be inconsistent with the public inter-
11 est.

12 “(F) In this paragraph, the term ‘group prac-
13 tice’ has the meaning given such term in section
14 1877(h)(4) of the Social Security Act.

15 “(G)(i) This paragraph takes effect on the date
16 of enactment of the Methamphetamine Anti-Prolifera-
17 tion Act of 1999, and remains in effect thereafter ex-
18 cept as provided in clause (iii) (relating to a decision
19 by the Secretary or the Attorney General that this
20 paragraph should not remain in effect).

21 “(ii) For the purposes relating to clause (iii), the
22 Secretary and the Attorney General shall, during the
23 3-year period beginning on the date of enactment of
24 the Methamphetamine Anti-Proliferation Act of 1999,

1 *make determinations in accordance with the fol-*
2 *lowing:*

3 “(I)(aa) *The Secretary shall—*

4 “(aaa) *make a determination of wheth-*
5 *er treatments provided under waivers under*
6 *subparagraph (A) have been effective forms*
7 *of maintenance treatment and detoxifica-*
8 *tion treatment in clinical settings;*

9 “(bbb) *make a determination regarding*
10 *whether such waivers have significantly in-*
11 *creased (relative to the beginning of such pe-*
12 *riod) the availability of maintenance treat-*
13 *ment and detoxification treatment; and*

14 “(ccc) *make a determination regarding*
15 *whether such waivers have adverse con-*
16 *sequences for the public health.*

17 “(bb) *In making determinations under this*
18 *subclause, the Secretary—*

19 “(aa) *may collect data from the practi-*
20 *tioners for whom waivers under subpara-*
21 *graph (A) are in effect;*

22 “(bb) *shall issue appropriate guidelines*
23 *or regulations (in accordance with proce-*
24 *dures for substantive rules under section*
25 *553 of title 5, United States Code) speci-*

1 *ifying the scope of the data that will be re-*
 2 *quired to be provided under this subclause*
 3 *and the means through which the data will*
 4 *be collected;*

5 *“(cc) shall, with respect to collecting*
 6 *such data, comply with applicable provi-*
 7 *sions of chapter 6 of title 5, United States*
 8 *Code (relating to a regulatory flexibility*
 9 *analysis), and of chapter 8 of such title (re-*
 10 *lating to congressional review of agency*
 11 *rulemaking); and*

12 *“(dd) shall make a determination re-*
 13 *garding whether such waivers have adverse*
 14 *consequences for the public health.*

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

16 *“(aa) make a determination of the ex-*
 17 *tent to which there have been violations of*
 18 *the numerical limitations established under*
 19 *subparagraph (B) for the number of indi-*
 20 *viduals to whom a practitioner may pro-*
 21 *vide treatment; and*

22 *“(bb) make a determination regarding*
 23 *whether waivers under subparagraph (A)*
 24 *have increased (relative to the beginning of*
 25 *such period) the extent to which narcotic*

1 *drugs in schedule IV or V or combinations*
2 *of such drugs are being dispensed or pos-*
3 *sessed in violation of this Act.*

4 “(iii) *If, before the expiration of the period speci-*
5 *fied in clause (ii), the Secretary or the Attorney Gen-*
6 *eral publishes in the Federal Register a decision,*
7 *made on the basis of determinations under such*
8 *clause, that this paragraph should not remain in ef-*
9 *fect, this paragraph ceases to be in effect 60 days after*
10 *the date on which the decision is so published. The*
11 *Secretary shall, in making any such decision, consult*
12 *with the Attorney General, and shall, in publishing*
13 *the decision in the Federal Register, include any com-*
14 *ments received from the Attorney General for inclu-*
15 *sion in the publication. The Attorney General shall,*
16 *in making any such decision, consult with the Sec-*
17 *retary, and shall, in publishing the decision in the*
18 *Federal Register, include any comments received from*
19 *the Secretary for inclusion in the publication.*

20 “(H) *During the 3-year period beginning on the*
21 *date of enactment of the Methamphetamine Anti-Pro-*
22 *liferation Act 1999, a State may not preclude a prac-*
23 *titioner from dispensing narcotic drugs in schedule IV*
24 *or V, or combinations of such drugs, to patients for*
25 *maintenance or detoxification treatment in accord-*

1 *ance with this paragraph, or the other amendments*
 2 *made by section 22 of that Act, unless, before the expi-*
 3 *ration of that 3-year period, the State enacts a law*
 4 *prohibiting a practitioner from dispensing such drugs*
 5 *or combination of drugs.”.*

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

8 *(1) in subsection (a), in the matter following*
 9 *paragraph (5), by striking “section 303(g)” each*
 10 *place the term appears and inserting “section*
 11 *303(g)(1)”;* and

12 *(2) in subsection (d), by striking “section*
 13 *303(g)” and inserting “section 303(g)(1)”.*

14 **SEC. 19. ENHANCED PUNISHMENT OF METHAMPHETAMINE**
 15 **LABORATORY OPERATORS.**

16 *(a) FEDERAL SENTENCING GUIDELINES.—*

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

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

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

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

7 (2) *REQUIREMENTS.*—*In carrying out this para-*
8 *graph, the United States Sentencing Commission*
9 *shall—*

10 (A) *if the offense created a substantial risk*
11 *of harm to human life (other than a life de-*
12 *scribed in subparagraph (B)) or the environ-*
13 *ment, increase the base offense level for the*
14 *offense—*

15 (i) *by not less than 3 offense levels*
16 *above the applicable level in effect on the*
17 *date of enactment of this Act; or*

18 (ii) *if the resulting base offense level*
19 *after an increase under clause (i) would be*
20 *less than level 27, to not less than level 27;*
21 *or*

22 (B) *if the offense created a substantial risk*
23 *of harm to the life of a minor or incompetent,*
24 *increase the base offense level for the offense—*

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

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

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

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

19 **SEC. 20. METHAMPHETAMINE PARAPHERNALIA.**

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