

106TH CONGRESS
2D SESSION

S. 2612

To combat Ecstasy trafficking, distribution, and abuse in the United States,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2000

Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat Ecstasy trafficking, distribution, and abuse in
the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ecstasy Anti-Prolifera-
5 tion Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The illegal importation of 3,4-
9 methylenedioxy methamphetamine, commonly re-
10 ferred to as “MDMA” or “Ecstasy”, has increased

1 in recent years, as evidenced by the fact that Ec-
2 stasy seizures by the United States Customs Service
3 have risen from less than 500,000 tablets during fis-
4 cal year 1997 to more than 4,000,000 tablets during
5 the first 5 months of fiscal year 2000.

6 (2) Use of Ecstasy can cause long-lasting, and
7 perhaps permanent, damage to the serotonin system
8 of the brain, which is fundamental to the integration
9 of information and emotion, and this damage can
10 cause long-term problems with learning and memory.

11 (3) Due to the popularity and marketability of
12 Ecstasy, there are numerous Internet websites with
13 information on its effects, production, and the loca-
14 tions of use, often referred to as “raves”. The avail-
15 ability of this information targets the primary users
16 of Ecstasy, who are most often college students,
17 young professionals, and other young people from
18 middle- to high-income families.

19 (4) Greater emphasis needs to be placed on—

20 (A) penalties associated with the manufac-
21 ture, distribution, and use of Ecstasy;

22 (B) the education of young people on the
23 negative health effects of Ecstasy, since the
24 reputation of Ecstasy as a “safe” drug is its
25 most dangerous component;

1 (C) the education of State and local law
2 enforcement agencies regarding the growing
3 problem of Ecstasy trafficking across the
4 United States;

5 (D) reducing the number of deaths caused
6 by Ecstasy use and its combined use with other
7 “club” drugs and alcohol; and

8 (E) adequate funding for research by the
9 National Institute on Drug Abuse to—

10 (i) identify those most vulnerable to
11 using Ecstasy and develop science-based
12 prevention approaches tailored to the spe-
13 cific needs of individuals at high risk;

14 (ii) understand how Ecstasy produces
15 its toxic effects and how to reverse neuro-
16 toxic damage;

17 (iii) develop treatments, including new
18 medications and behavioral treatment ap-
19 proaches;

20 (iv) better understand the effects that
21 Ecstasy has on the developing children and
22 adolescents; and

23 (v) translate research findings into
24 useful tools and ensure their effective dis-
25 semination.

1 **SEC. 3. ENHANCED PUNISHMENT OF ECSTASY TRAF-**
2 **FICKERS.**

3 (a) AMENDMENT TO FEDERAL SENTENCING GUIDE-
4 LINES.—Pursuant to its authority under section 994(p)
5 of title 28, United States Code, the United States Sen-
6 tencing Commission shall amend the Federal sentencing
7 guidelines regarding any offense relating to the manufac-
8 ture, importation, or exportation of, or trafficking in—

- 9 (1) 3,4-methylenedioxy methamphetamine;
10 (2) 3,4-methylenedioxy amphetamine;
11 (3) 3,4-methylenedioxy-N-ethylamphetamine; or
12 (4) any other controlled substance, as deter-
13 mined by the Sentencing Commission in consultation
14 with the Attorney General, that is marketed as Ec-
15 stasy and that has either a chemical structure sub-
16 stantially similar to that of 3,4-methylenedioxy
17 methamphetamine or and effect on the central nerv-
18 ous system substantially similar to or greater than
19 that of 3,4-methylenedioxy methamphetamine;
20 (including an attempt or conspiracy to commit an offense
21 described in paragraph (1), (2), (3), or (4)) in violation
22 of the Controlled Substances Act (21 U.S.C. 801 et seq.),
23 the Controlled Substances Import and Export Act (21
24 U.S.C. 951 et seq.), or the Maritime Drug Law Enforce-
25 ment Act (46 U.S.C. 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)—

4 (1) review and amend the Federal sentencing
5 guidelines to provide for increased penalties such
6 that those penalties are comparable to the base of-
7 fense levels for offenses involving any methamphet-
8 amine mixture; and

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

11 (c) ADDITIONAL REQUIREMENTS.—In carrying out
12 this section, the United States Sentencing Commission
13 shall ensure that the Federal sentencing guidelines for of-
14 fenders convicted of offenses described in subsection (a)
15 reflect—

16 (1) the need for aggressive law enforcement ac-
17 tion with respect to offenses involving the controlled
18 substances described in subsection (a); and

19 (2) the dangers associated with unlawful activ-
20 ity involving such substances, including—

21 (A) the rapidly growing incidence of abuse
22 of the controlled substances described in sub-
23 section (a) and the threat to public safety that
24 such abuse poses;

1 (B) the recent increase in the illegal im-
2 portation of the controlled substances described
3 in subsection (a);

4 (C) the young age at which children are
5 beginning to use the controlled substances de-
6 scribed in subsection (a); and

7 (D) any other factor that the Sentencing
8 Commission deems appropriate.

9 **SEC. 4. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.**

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

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

18 (2) the List I Chemical gamma-butyrolactone;

19 (including an attempt or conspiracy to commit an offense
20 described in paragraph (1) or (2)) in violation of the Con-
21 trolled Substances Act (21 U.S.C. 801 et seq.), the Con-
22 trolled Substances Import and Export Act (21 U.S.C. 951
23 et seq.), or the Maritime Drug Law Enforcement Act (46
24 U.S.C. 1901 et seq.).

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

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

8 (2) assure that the guidelines provide that of-
9 fenses involving a significant quantity of Schedule I
10 and II depressants are subject to greater terms of
11 imprisonment than currently provided by the guide-
12 lines and that such terms are consistent with appli-
13 cable statutory maximum penalties; and

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

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

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

22 (2) the rapidly growing incidence of abuse of
23 the controlled substances described in subsection (a)
24 and the threat to public safety that such abuse

1 poses, including the dangers posed by overdose; and

2

3 (3) the recent increase in the illegal manufac-
4 ture the controlled substances described in sub-
5 section (a).

6 **SEC. 5. EMERGENCY AUTHORITY TO SENTENCING COMMIS-**
7 **SION.**

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. 6. PROHIBITION ON DISTRIBUTION OF INFORMATION**
15 **RELATING TO THE MANUFACTURE OR ACQUI-**
16 **SITION OF CONTROLLED SUBSTANCES.**

17 Section 403 of the Controlled Substances Act (21
18 U.S.C. 843) is amended by adding at the end the fol-
19 lowing:

20 “(g) PROHIBITION ON DISTRIBUTION OF INFORMA-
21 TION RELATING TO MANUFACTURE OR ACQUISITION OF
22 CONTROLLED SUBSTANCES.—

23 “(1) CONTROLLED SUBSTANCE DEFINED.—In
24 this subsection, the term ‘controlled substance’ has

1 the meaning given that term in section 102(6) of the
2 Controlled Substances Act (21 U.S.C. 802(6)).

3 “(2) PROHIBITION.—It shall be unlawful for
4 any person—

5 “(A) to teach or demonstrate the manufac-
6 ture of a controlled substance, or to distribute
7 by any means information pertaining to, in
8 whole or in part, the manufacture, acquisition,
9 or use of a controlled substance, with the intent
10 that the teaching, demonstration, or informa-
11 tion be used for, or in furtherance of, an activ-
12 ity that constitutes a crime; or

13 “(B) to teach or demonstrate to any per-
14 son the manufacture of a controlled substance,
15 or to distribute to any person, by any means,
16 information pertaining to, in whole or in part,
17 the manufacture, acquisition, or use of a con-
18 trolled substance, knowing or having reason to
19 know that such person intends to use the teach-
20 ing, demonstration, or information for, or in
21 furtherance of, an activity that constitutes an
22 offense.

23 “(3) PENALTY.—Any person who violates this
24 subsection shall be fined under this title, imprisoned
25 not more than 10 years, or both.”

1 **SEC. 7. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT**
2 **INTERNET WEBSITES.**

3 Not later than 90 days after the date of enactment
4 of this Act, the head of each department, agency, and es-
5 tablishment of the Federal Government shall, in consulta-
6 tion with the Director of the Office of National Drug Con-
7 trol Policy, place antidrug messages on appropriate Inter-
8 net websites controlled by such department, agency, or es-
9 tablishment which messages shall, where appropriate, con-
10 tain an electronic hyperlink to the Internet website, if any,
11 of the Office of National Drug Control Policy.

12 **SEC. 8. EXPANSION OF ECSTASY AND LIQUID ECSTASY**
13 **ABUSE PREVENTION EFFORTS.**

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

18 **“SEC. 506. GRANTS FOR ECSTASY ABUSE PREVENTION.**

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

23 “(1) to carry out school-based programs con-
24 cerning the dangers of abuse of and addiction to
25 3,4-methylenedioxy methamphetamine or related
26 drugs, using methods that are effective and science-

1 based, including initiatives that give students the re-
2 sponsibility to create their own antidrug abuse edu-
3 cation programs for their schools; and

4 “(2) to carry out community-based abuse and
5 addiction prevention programs relating to 3,4-
6 methylenedioxy methamphetamine or related drugs
7 that are effective and science-based.

8 “(b) USE OF FUNDS.—Amounts made available
9 under a grant, contract or cooperative agreement under
10 subsection (a) shall be used for planning, establishing, or
11 administering prevention programs relating to 3,4-
12 methylenedioxy methamphetamine or related drugs in ac-
13 cordance with paragraph (3).

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

16 “(A) to carry out school-based programs that
17 are focused on those districts with high or increasing
18 rates of abuse and addiction to 3,4-methylenedioxy
19 methamphetamine or related drugs and targeted at
20 populations that are most at risk to start abuse of
21 3,4-methylenedioxy methamphetamine or related
22 drugs;

23 “(B) to carry out community-based prevention
24 programs that are focused on those populations
25 within the community that are most at-risk for

1 abuse of and addiction to 3,4-methylenedioxy meth-
2 amphetamine or related drugs;

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

6 “(D) to train and educate State and local law
7 enforcement officials, prevention and education offi-
8 cials, health professionals, members of community
9 antidrug coalitions and parents on the signs of
10 abuse of and addiction to 3,4-methylenedioxy meth-
11 amphetamine or related drugs, and the options for
12 treatment and prevention;

13 “(E) for planning, administration, and edu-
14 cational activities related to the prevention of abuse
15 of and addiction to 3,4-methylenedioxy methamphet-
16 amine or related drugs;

17 “(F) for the monitoring and evaluation of pre-
18 vention activities relating to 3,4-methylenedioxy
19 methamphetamine or related drugs, and reporting
20 and disseminating resulting information to the pub-
21 lic; and

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

1 “(2) PRIORITY.—The Administrator shall give pri-
2 ority in making grants under this subsection to rural and
3 urban areas that are experiencing a high rate or rapid in-
4 creases in abuse and addiction to 3,4-methylenedioxy
5 methamphetamine or related drugs.

6 “(d)(1) PREVENTION PROGRAM ALLOCATION.—Not
7 less than \$500,000 of the amount available in each fiscal
8 year to carry out this section shall be made available to
9 the Administrator, acting in consultation with other Fed-
10 eral agencies, to support and conduct periodic analyses
11 and evaluations of effective prevention programs for abuse
12 of and addiction to 3,4-methylenedioxy methamphetamine
13 or related drugs and the development of appropriate strat-
14 egies for disseminating information about and imple-
15 menting these programs.

16 “(2) REPORT.—The Administrator shall submit an
17 annual report containing the results of the analyses and
18 evaluations conducted under paragraph (1) to—

19 “(A) the Committee on Health, Education,
20 Labor, and Pensions, the Committee on the Judici-
21 ary, and the Committee on Appropriations of the
22 Senate; and

23 “(B) the Committee on Commerce, the Com-
24 mittee on the Judiciary, and the Committee on Ap-
25 propriations of the House of Representatives.

1 “(e) AUTHORIZATION.— There is authorized to be
2 appropriated to carry out this subsection—

3 “(1) \$5,000,000 for fiscal year 2001; and

4 “(2) such sums as may be necessary for each
5 succeeding fiscal year.”.

6 (b) NATIONAL YOUTH ANTIDRUG MEDIA CAM-
7 PAIGN.—In conducting the national media campaign
8 under section 102 of the Drug-Free Media Campaign Act
9 of 1998 (21 U.S.C. 1801), the Director of the Office of
10 National Drug Control Policy shall ensure that such cam-
11 paign addresses the reduction and prevention of abuse of
12 3,4-methylenedioxy methamphetamine or related drugs
13 among young people in the United States.

○