

METHAMPHETAMINE AND CLUB DRUG ANTI-
PROLIFERATION ACT OF 2000

SEPTEMBER 21, 2000.—Ordered to be printed

Mr. McCOLLUM, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2987]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2987) providing 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, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

TABLE OF CONTENTS

	<i>Page</i>
The Amendment	2
Purpose and Summary	21
Background and Need for the Legislation	22
Hearings	23
Committee Consideration	23
Votes of the Committee	24
Committee Oversight Findings	26
Committee on Government Reform Findings	26
New Budget Authority and Tax Expenditures	26
Committee Cost Estimate	26
Constitutional Authority Statement	26
Section-by-Section Analysis and Discussion	27
Changes in Existing Law Made by the Bill, as Reported	39

The amendment in the nature of a substitute is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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.

**TITLE I—METHAMPHETAMINE PRODUCTION,
TRAFFICKING, AND ABUSE****Subtitle A—Criminal Penalties****SEC. 101. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.**

(a) **AMENDMENT TO FEDERAL SENTENCING GUIDELINES.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

- (1) the Controlled Substances Act (21 U.S.C. 801 et seq.);
- (2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or
- (3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

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

- (1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and
- (2) take any other action the Commission considers necessary to carry out this subsection.

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

- (1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;
- (2) the high risk of amphetamine addiction;
- (3) the increased risk of violence associated with amphetamine trafficking and abuse; and
- (4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

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

SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

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

(1) **IN GENERAL.**—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

- (A) the Controlled Substances Act (21 U.S.C. 801 et seq.);
- (B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or
- (C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) **REQUIREMENTS.**—In carrying out this paragraph, the United States Sentencing Commission shall increase the offense level—

- (A) if the offense created a substantial risk of harm to human life or the environment;
- (B) if the offense created a substantial risk of harm to the life of a minor or incompetent.

(3) **EMERGENCY AUTHORITY TO SENTENCING COMMISSION.**—The United States Sentencing Commission shall promulgate amendments pursuant to this

subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

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

SEC. 103. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

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

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

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

(3) in paragraph (2)—

(A) by inserting “, the State or local government concerned, or both the United States and the State or local government concerned” after “United States” the first place it appears; and

(B) by inserting “or the State or local government concerned, as the case may be,” after “United States” the second place it appears; and

(4) in paragraph (3), by striking “section 3663 of title 18, United States Code” and inserting “section 3663A of title 18, United States Code”.

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

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

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

(3) by adding at the end the following:

“(D) all amounts collected—

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

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

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

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

(e) **TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.**—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

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

SEC. 104. METHAMPHETAMINE PARAPHERNALIA.

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

Subtitle B—Enhanced Law Enforcement

SEC. 111. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

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

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

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

(3) by adding at the end the following:

“(ii) for payment for—

“(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition,

of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

“(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;”

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

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

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

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”; and

(2) by inserting before the semicolon at the end the following: “and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 113. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

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

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

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2001, 2002, and 2003 amounts as follows:

- (1) \$1,500,000 to carry out the program described in subsection (b)(1).
- (2) \$3,000,000 to carry out the program described in subsection (b)(2).
- (3) \$1,000,000 to carry out the program described in subsection (b)(3).

SEC. 114. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

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

- (1) \$15,000,000 for fiscal year 2001; and
- (2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

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

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

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

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

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

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 115. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

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

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104-237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

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

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

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

Subtitle C—Abuse Prevention and Treatment

SEC. 121. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o-2) is amended by adding at the end the following:

“(c) METHAMPHETAMINE RESEARCH.—

“(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

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

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

“(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

“(C) the connection between methamphetamine abuse and mental health;

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

“(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

“(F) risk factors for methamphetamine abuse;

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

“(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

“(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

“(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.”.

SEC. 122. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

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

“METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

“SEC. 514. (a) GRANTS.—

“(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

“(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

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

“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

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

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

“(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

“(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or \$1,000,000 shall be available to the Director for purposes of carrying out subsection (c).”.

SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

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

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

“(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

“(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

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

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

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

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

“(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

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

“(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

“(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

“(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

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

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

“(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

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

“(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

“(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.”

(b) **AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.**—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 211(a)(5) of this Act), \$15,000,000 for fiscal year 2001, and such sums as may be necessary for each succeeding fiscal year.

SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.

(a) **STUDY.**—

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

conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2001 such sums as may be necessary to meet the requirements of subsection (a).

Subtitle D—Reports

SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the 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.

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

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

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

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

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

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

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

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

- (1) the rapidly growing incidence of controlled substance manufacturing;
- (2) the extreme danger inherent in manufacturing controlled substances;
- (3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

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

SEC. 202. MAIL ORDER REQUIREMENTS.

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

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

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

“(A) As used in this paragraph:

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

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

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

(4) adding at the end the following:

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

“(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

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

“(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

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

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

“(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

“(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).”

SEC. 203. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF IL-LICIT PRODUCTION OF CONTROLLED SUBSTANCES.

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

“ANHYDROUS AMMONIA

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

“(1) to steal anhydrous ammonia, or

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

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

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

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

“Sec. 422. Drug paraphernalia.”

“Sec. 423. Anhydrous ammonia.”

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

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

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2001, \$500,000 for purposes of carrying out the agreement under this subsection.

Subtitle B—Other Matters

SEC. 211. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

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

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

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

(3) by inserting “(1)” after “(g)”;

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

(5) by adding at the end the following:

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

“(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before initially dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

“(I) The physician—

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

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

“(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

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

“(IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rule-making or practice guidelines to address the following:

“(aa) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

“(II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

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

“(IV) For purposes of the regulations or practice guidelines under subclause (I), a physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

“(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

“(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

“(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

“(dd) The physician has training or experience in the treatment and management of opiate-dependent patients, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

“(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

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

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

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

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

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

“(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

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

“(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

“(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

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

“(ii) Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician’s current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.

“(iii) If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(G) In this paragraph:

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

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

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

“(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine and Club Drug Anti-Proliferation Act of 2000, make determinations in accordance with the following:

“(I)(aa) The Secretary shall—

“(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

“(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

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

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

“(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

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

“(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

“(II) The Attorney General shall—

“(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

“(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain

in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

“(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine and Club Drug Anti-Proliferation Act of 2000, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.”.

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

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

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

TITLE III—MISCELLANEOUS

SEC. 301. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 302. SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this Act and shall not affect the applicability of the remainder of this Act, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

TITLE IV—CLUB DRUG ANTI-PROLIFERATION

SEC. 401. ENHANCED PUNISHMENT OF CLUB DRUG TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

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

(4) paramethoxymethamphetamine (PMA); or

(5) any other controlled substance, as determined by the Sentencing Commission in consultation with the Attorney General, that is marketed as a club drug and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or paramethoxymethamphetamine or an effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine or paramethoxymethamphetamine; (including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), or (4) in violation of the Con-

trolled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

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

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties are comparable to the base offense levels for offenses involving any methamphetamine mixture; and

(2) take any other action the Commission considers to be necessary to carry out this subsection.

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

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

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

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a); and

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

SEC. 402. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, or exportation of, or trafficking in—

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

(2) the List I Chemical gamma-butyrolactone; (including an attempt or conspiracy to commit an offense described in paragraph (1) or (2)) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

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

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

(2) assure that the guidelines provide that offenses involving a significant quantity of Schedule I and II depressants are subject to greater terms of imprisonment than currently provided by the guidelines and that such terms are consistent with applicable statutory maximum penalties; and

(3) take any other action the Commission considers to be necessary to carry out this subsection.

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

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

(2) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses, including the dangers posed by overdose; and

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

SEC. 403. EMERGENCY AUTHORITY TO SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate amendments under this Act as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 404. EXPANSION OF CLUB DRUG ABUSE PREVENTION EFFORTS.

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

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

(a) **AUTHORITY.**—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

“(1) to carry out school-based programs concerning the dangers of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own antidrug abuse education programs for their schools; and

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

“(b) **USE OF FUNDS.**—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs in accordance with paragraph (3).

“(c)(1) **DISCRETIONARY FUNCTIONS.**—Amounts provided under this section may be used—

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

“(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;

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

“(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community antidrug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, and the options for treatment and prevention;

“(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;

“(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, and reporting and disseminating resulting information to the public; and

“(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

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

“(d)(1) **PREVENTION PROGRAM ALLOCATION.**—Not less than \$500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

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

“(A) the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

“(B) the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

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

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

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

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

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.

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

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

(c) FUNDING.—

(1) FISCAL YEAR 2000.—From the unobligated balances available to the Department of Justice for fiscal year 2000 to carry out part Q of the Omnibus Crime Control and Safe Streets Act of 1968, known as the Community Oriented Policing Services program (42 U.S.C. 3796dd et seq.), the Attorney General shall make available \$10,000,000 to be used only to carry out this section.

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

TITLE VI—FEDERAL DRUG COURTS

SEC. 601. ESTABLISHMENT.

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

- (1) day fines;
- (2) house arrest;
- (3) electronic monitoring;
- (4) intensive probation supervision;
- (5) defense-based sentencing;
- (6) day reporting centers;
- (7) victim-offender reconciliation;
- (8) shock incarceration; and
- (9) substance abuse treatment in lieu of incarceration, including treatment in a therapeutic community.

SEC. 602. REHABILITATION PROGRAM.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this title referred to as the “Bureau”) shall establish and maintain a rehabilitation program. The program shall consist of—

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

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

- (1) the term “residential substance abuse treatment” means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities (which the in case of prisoners are set apart from the general prison population)—

(A) directed at the substance abuse problems of the convicted person;
 (B) intended to develop a person's cognitive, behavioral, social, vocational, and other skills so as to solve the convicted person's substance abuse and related problems; and

(C) shall include—

- (i) addiction education;
- (ii) individual, group, and family counseling pursuant to individualized treatment plans;
- (iii) opportunity for involvement in Alcoholics Anonymous, Narcotics Anonymous, or Cocaine Anonymous;
- (iv) parenting skills training, domestic violence counseling, and sexual abuse counseling, where appropriate;
- (v) HIV education counseling and testing, when requested, and early intervention services for seropositive individuals;
- (vi) services that facilitate access to health and social services, where appropriate and to the extent available; and
- (vii) planning for and counseling to assist reentry into society, including referrals to appropriate educational, vocational, and other employment-related programs (to the extent available), referrals, to appropriate outpatient or other drug or alcohol treatment, counseling, transitional housing, and assistance in obtaining suitable affordable housing and employment upon completion of treatment (and release from prison, if applicable);

(2) the term “aftercare services” means a course of individual and group treatment for a minimum of one year involving sustained and frequent interaction between the program and with individuals who have successfully completed a program of residential substance abuse treatment, and shall include consistent personal interaction between the individual and a primary counselor or case manager, participation in group and individual counseling sessions, social activities targeted toward a recovering substance abuser, and, where appropriate, more intensive intervention; and

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

(c) PREFERENCE FOR COMMUNITY-BASED PROGRAMS.—Residential substance abuse treatment services shall be provided, to the greatest extent possible, by community-based drug and alcohol treatment programs.

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 2002, and on January 1 of each year thereafter, a report. Such report shall contain—

- (1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau; and
- (2) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE VII—STUDY OF THE EFFECT OF MANDATORY MINIMUM SENTENCES FOR NON-VIOLENT CONTROLLED SUBSTANCE OFFENSES

SEC. 701. FINDINGS.

The Congress finds that—

- (1) there is substantial evidence that mandatory minimum sentences disproportionately affect people of color and especially African-Americans;
- (2) the use of mandatory minimum sentences has torn apart African-American families and taken a horrible toll on the African-American community;
- (3) from 1980 to 1992, the height of the so-called “War on Drugs,” the rate of incarceration in prisons rose from 139 to 332 per 100,000 residents and 84 percent of the increase in State prison admissions was for nonviolent offenders;
- (4) if incarceration rates remain unchanged, Justice Department data indicate that an estimated 1 in 20 of today's children will serve time in prison during their lifetime;
- (5) the rate of imprisonment for black men is 8.5 times that of white men, a rate of 3,098 per 100,000, compared with a white rate of 370;

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

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

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

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

(10) between 1990 and 1996, 82 percent of the increase in black Federal inmates was due to drug offenses.

SEC. 702. DEPARTMENT OF JUSTICE STUDY.

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

TITLE VIII—RULE OF CONSTRUCTION

SEC. 801. RULE OF CONSTRUCTION.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to impose any new mandatory 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.

PURPOSE AND SUMMARY

The purpose of H.R. 2987, the Methamphetamine and Club Drug Anti-Proliferation Act of 2000, is to prevent the proliferation of methamphetamine and club drug manufacturing, trafficking, use, and addiction in America. This legislation will provide Federal, State, and local law enforcement officials with tools and training to more adequately address the methamphetamine and club drug epidemics in America today, and authorize comprehensive prevention and treatment programs to combat abuse and addiction as well.

The enactment of H.R. 2987 will provide needed funding to the Drug Enforcement Administration (DEA) and Office of National Drug Control Policy (ONDCP) to combat methamphetamine manufacturing by providing assistance to State and local law enforcement officials in small and mid-sized communities in all phases of methamphetamine investigations, and establishing additional DEA offices in rural areas. It will also provide for training to State and local agencies in handling toxic waste created by methamphetamine laboratories, and authorize funding for the DEA to reimburse States and localities for expenses incurred in connection with the clean up and safe disposal of hazardous substances associated with clandestine methamphetamine laboratories. H.R. 2987 provides for increased penalties for offenses related to the production of amphetamine, trafficking of precursor chemicals, manufacturing drug offenses that create a substantial risk of harm to human life or to the environment, and offenses relating to 3,4-methylenedioxy methamphetamine (MDMA), commonly known as “Ecstasy,” gamma-hydroxybutyric acid (GHB), other enumerated “club” drugs, as well as other similar controlled substances. This legislation also

contains a number of provisions authorizing effective and science-based methamphetamine and club drug prevention and addiction treatment programs.

BACKGROUND AND NEED FOR THE LEGISLATION

The manufacturing and use of methamphetamine has increased dramatically over the past decade. First popularized by outlaw biker gangs in the late 1970's, methamphetamine is now being manufactured by criminals in makeshift laboratories across the country for both sale and personal consumption. Methamphetamine is a highly toxic and addictive stimulant that severely affects the central nervous system, and is produced and sold illegally in pill form, capsules, powder, and chunks. Commonly known on the streets as "meth," "crank," "crystal meth," "ice," and "speed," it can be smoked, injected, swallowed, or snorted, and has a very high potential for abuse and dependence. Methamphetamine use not only modifies behavior to an acute state, but sustained use results in serious damage to the brain. Use can result in death from heart failure, brain damage, stroke, and fatal kidney and lung disorders. Its use can induce uncontrollable violent behavior, and extreme, acute psychiatric and psychological symptoms, including paranoia and hallucinations that may eventually lead to suicide, violent acts, or even murder.

The methamphetamine epidemic in America differs in kind from the threat of other illegal drugs because methamphetamine can be made from readily available and legal chemicals and substances, and because it poses serious dangers to both human life and to the environment. Additionally, these chemicals and substances are utilized in a manufacturing process that is unstable, volatile, and highly combustible. Even small amounts of these chemicals, when mixed improperly, can cause explosions and fires. For every one pound of methamphetamine that is produced, approximately five pounds of toxic and often lethal waste products may be left behind at the laboratory site, or disposed of in rivers, kitchen sinks, or sewage systems in an effort to conceal evidence of illegal manufacturing. More disturbing is that most of these laboratories are situated in residences, motels, trailers, and vans, and often times are operated in the presence of children. Contributing to this danger are countless Internet web sites devoted specifically to providing detailed instructions for producing methamphetamine.

According to a report prepared by the National Institute on Drug Abuse Community Epidemiology Work Group, because methamphetamine is so easily produced in small, clandestine laboratories and the precursor chemicals are readily available, "abuse levels remain high . . . and there is strong evidence to suggest this drug will continue to be a problem in West Coast areas and to spread to other areas of the United States." The threat of methamphetamine proliferation is real and the numbers are telling. Over the past several years, the number of DEA methamphetamine-related arrests has increased substantially, from 1,893 arrests in FY 1993, to 8,712 in FY 1999. Last year, approximately 21 percent of all DEA arrests were methamphetamine-related drug violations, surpassed only by cocaine and marijuana. Accordingly, the number of methamphetamine laboratories that have been seized has increased dramatically this decade, from 218 in FY 1993

to 7,316 FY 1999.¹ As a result, there have been millions of dollars spent cleaning up the pollutants and toxins left behind by lab operators. This extraordinary increase in arrests and lab seizures underscores the need for additional, comprehensive legislation addressing the methamphetamine crisis, specifically its dangerous manufacturing process and costly clean-up.

Methamphetamine is both domestically produced and imported into the United States in its processed form. Its users, found in both rural and urban regions, cross socio-economic, age, gender, and racial boundaries. According to the “Monitoring the Future” survey, a national survey that measures the extent of drug use among United States adolescents, methamphetamine use among high school seniors more than doubled between 1990 and 1996, and the 1999 study indicates that 8.2% of seniors have tried methamphetamine. Law enforcement officials have documented teens as young as 14 and 15 year olds using and selling the drug.

HISTORY OF RELATED LEGISLATION

In 1996, Congress passed the Comprehensive Methamphetamine Control Act², the first legislative effort specifically directed at controlling the proliferation of methamphetamine in America. This important, bipartisan measure targeted the diversion of the most commonly used precursor chemicals and imposed strict reporting requirements on the sales of those chemicals. These measures have enabled the DEA, in a working partnership with industry, to prevent the purchase and importation of a significant quantity of precursor chemicals for use in manufacturing methamphetamine. The 1996 legislation also authorized the creation of an interagency task force to develop and implement prevention and education strategies, and requires persons who distribute, import, or export any List I Chemical to register and obtain a permit annually to do so. Notwithstanding the effectiveness of the 1996 act, laboratory operators and drug traffickers continue to produce and traffic significant quantities of methamphetamine. Clearly, additional legislative initiatives are necessary.

HEARINGS

The committee’s Subcommittee on Crime held 6 (six) field hearings on methamphetamine production, trafficking, and use in 1999, in Arkansas, California, New Mexico, and Kansas. Testimony was received from numerous witnesses, including former methamphetamine addicts, family members of the victims of methamphetamine related violence, law enforcement professionals, and prevention and addiction treatment professionals.

COMMITTEE CONSIDERATION

On July 26, 2000, the committee met in open session and ordered favorably reported the bill H.R. 2987 with amendment by a voice vote, a quorum being present.

¹ Testimony of Donnie R. Marshall, Committee on the Judiciary, “S. 1428, Combating Methamphetamine Proliferation in America” (July 28, 1999).

² P.L. 104-237; H.R. 3852, S. 1965.

VOTES OF THE COMMITTEE

Mr. Hutchinson offered an amendment in the nature of a substitute to H.R. 2987. By unanimous consent, Mr. Hutchinson was given permission to modify the amendment in the nature of a substitute to H.R. 2987.

Mr. Conyers offered an amendment to the amendment in the nature of a substitute to H.R. 2987 to eliminate mandatory minimum sentences for all nonviolent controlled substance offenses. By a roll-call vote of 8 yeas to 18 nays, the amendment was defeated.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum			
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (TX)		X	
Mr. Gallegly		X	
Mr. Canady		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr			
Mr. Jenkins			
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham		X	
Ms. Bono			
Mr. Bachus			
Mr. Scarborough		X	
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren		X	
Ms. Jackson Lee	X		
Ms. Waters	X		
Mr. Meehan		X	
Mr. Delahunt			
Mr. Wexler			
Mr. Rothman		X	
Ms. Baldwin	X		
Mr. Weiner		X	
Mr. Hyde, Chairman		X	
Total	8	18	

Mr. Hutchinson offered an amendment to the amendment in the nature of a substitute to H.R. 2987 to authorize the DEA to reimburse States and localities for costs associated with the cleanup of illegal methamphetamine labs.

Mr. Conyers offered an amendment to the amendment in the nature of a substitute to H.R. 2987 to authorize rehabilitation programs as a sentencing option in the case of nonviolent drug related offenses. By unanimous consent, Chairman Hyde modified the Conyers amendment to insert after “drug-related offense”, “involving a simple possession offense quantity of drugs as defined in title 21

United States Code”. The Conyers amendment, as modified, was agreed to by voice vote.

Mr. Conyers, on behalf of himself and Mr. Scott, offered an amendment to the amendment in the nature of a substitute to H.R. 2987 to require the Attorney General, within a year after the bill is passed, to issue a report on the racial impact of mandatory minimum sentences. The amendment was agreed to by voice vote.

Mr. Scott, on behalf of himself and Ms. Jackson Lee, offered an amendment to the amendment in the nature of a substitute to H.R. 2987 to strike the provision in section 101 which directs the Sentencing Commission to increase the base level for amphetamine drug offenses to those in effect for methamphetamine related offenses and replace it with language directing the Sentencing Commission to review the issue and promulgate sentencing enhancements as needed. The Scott/Jackson Lee amendment was defeated by voice vote.

Mr. Conyers offered an amendment to the amendment in the nature of a substitute to H.R. 2987 stating “That notwithstanding any other provision in this act, nothing in this act shall be construed to impose any new mandatory minimum sentences.” The Conyers amendment was agreed to by voice vote.

Ms. Baldwin, on behalf of herself and Mr. Barr, offered an amendment to the amendment in the nature of a substitute H.R. 2987 to strike section 205 which would criminalize distributing information relating to the manufacture of a controlled substance with the intent or knowledge that the information be used in furtherance of a Federal crime. By a rollcall vote of 15 yeas to 12 nays, the amendment was agreed to.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Sensenbrenner			
Mr. McCollum			
Mr. Gekas		X	
Mr. Coble			
Mr. Smith (TX)		X	
Mr. Gallegly		X	
Mr. Canady		X	
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Barr	X		
Mr. Jenkins			
Mr. Hutchinson		X	
Mr. Pease			
Mr. Cannon		X	
Mr. Rogan		X	
Mr. Graham	X		
Ms. Bono			
Mr. Bachus			
Mr. Scarborough	X		
Mr. Vitter		X	
Mr. Conyers	X		
Mr. Frank	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler	X		
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren		X	
Ms. Jackson Lee	X		

ROLLCALL NO. 2—Continued

	Ayes	Nays	Present
Ms. Waters	X	.....	.....
Mr. Meehan	X	.....	.....
Mr. Delahunt	X	.....	.....
Mr. Wexler .....	.....	.....	.....
Mr. Rothman .....	.....	X	.....
Ms. Baldwin	X	.....	.....
Mr. Weiner .....	.....	X	.....
Mr. Hyde, Chairman .....	.....	X	.....
Total	15	12	.....

The Hutchinson amendment in the nature of a substitute, as amended, was adopted by a voice vote.

The bill, as amended by the Hutchinson amendment in the nature of a substitute, was ordered favorably reported to the House by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the committee believes that enacting HR 2987 would cost about \$400 million over the fiscal years 2001 to 2005, assuming appropriation of the necessary amounts. In addition, the bill would increase direct spending by roughly \$30 million over the 2001–2005 period.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title.

Section 1 states the short title of H.R. 2987 as the “Methamphetamine and Club Drug Anti-Proliferation Act of 2000.”

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

*Subtitle A—Criminal Penalties**Section 101. Enhanced Punishment of Amphetamine Laboratory Operators.*

Section 101 directs the United States Sentencing Commission to review and amend the Federal sentencing guidelines with respect to offenses related to the manufacture, importation, exportation, or trafficking of amphetamine such that those penalties are comparable to the base offense level for methamphetamine related offenses. This section grants emergency authority to the Sentencing Commission and directs it to promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this act.

The committee notes that Federal prosecutors, the Drug Enforcement Administration and the Department of Justice support increasing the penalties for amphetamine related offenses. The committee is advised that there is no significant difference in potency between amphetamine and methamphetamine, both of which are Schedule II controlled substances. Both drugs provide the same stimulating, hallucinogenic effects, are highly addictive, and require virtually identical manufacturing processes involving volatile and toxic chemicals that are highly combustible when combined. Indeed, while manufacturing either amphetamine or methamphetamine poses the same risks to human life and the environment, because the penalties for manufacturing amphetamine are inadequate, some criminals exclusively manufacture and distribute amphetamine. It is the view of the committee that establishing comparable penalties for amphetamine and methamphetamine related offenses may deter manufacture, trafficking, and use of either.

Section 102. Enhanced Punishment of Amphetamine or Methamphetamine Laboratory Operators.

Section 102 directs the Sentencing Commission to amend the Federal sentencing guidelines by increasing the offense level for manufacturing amphetamine or methamphetamine if the offense created a substantial risk of harm to human life or the environment, or if the offense created a substantial risk of harm to the life of a minor or incompetent.

The committee notes the grave danger amphetamine and methamphetamine manufacturing poses to human life and the environment. Law enforcement officials cite frequent discovery of children living and playing among toxic and volatile chemicals in home-based amphetamine and methamphetamine laboratories. Federal, State and local law enforcement spend significant amounts of taxpayer dollars cleaning up toxic waste left behind by amphetamine and methamphetamine laboratories. Increasing the offense levels is necessary given the threat and harm inflicted on communities by amphetamine and methamphetamine manufacturers.

Section 103. Mandatory Restitution for Violation of Controlled Substances Act and Controlled Substances Import and Export Act Relating to Amphetamine and Methamphetamine.

Section 103 amends the Controlled Substances Act to make reimbursement mandatory for the costs incurred by the United States, or State and local governments, for the cleanup associated with the manufacture of amphetamine or methamphetamine. Current law provides courts the authority to order restitution when sentencing a defendant convicted of an offense involving the manufacture of methamphetamine. Considering the destruction to property and the environment that manufacturing amphetamine and methamphetamine causes, and how expensive it has become to cleanup the wastes produced during the manufacturing process, it is the view of the committee that restitution should be mandatory.

The section also provides that any restitution or property collected by the United States pursuant to a reimbursement order will go to the Department of Justice Asset Forfeiture Fund (hereinafter “Asset Forfeiture Fund”) instead of the Treasury. Resources from the Asset Forfeiture Fund have been used to cleanup and restore property that has been forfeited to the government for the purpose of selling that property.

Section 104. Methamphetamine Paraphernalia.

Section 104 amends the Controlled Substances Act to expressly include paraphernalia used in connection with methamphetamine production as drug paraphernalia.

Subtitle B—Enhanced Law Enforcement

Section 111. Environmental Hazards Associated with Illegal Manufacture of Amphetamine and Methamphetamine.

Section 111 authorizes the allocation of resources from the Asset Forfeiture Fund for use in paying clean-up costs incurred by, or on behalf of, the Department of Justice in connection with the removal of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine for the purposes of Federal forfeiture and disposition. The section also authorizes reimbursement to State and local entities for clean-up costs when they assist in a Federal prosecution on amphetamine or methamphetamine related charges, to the extent such costs exceed equitable sharing payments made to the State or local government in such case.

Section 112. Reduction in Retail Sales Transaction Threshold for Non-safe Harbor Products Containing Pseudoephedrine or Phenylpropanolamine.

Section 112 amends the Controlled Substance Act to reduce the retail sales transaction threshold from 24 grams to 9 grams for certain products containing pseudoephedrine or phenylpropanolamine, and requires that they be sold in package sizes of not more than 3 grams of pseudoephedrine or phenylpropanolamine base.

The committee notes that, according to the DEA, at least 80–90% of the methamphetamine in this country is produced in “superlabs”, located mainly in California. These laboratories are operated and supplied by Mexican drug trafficking organizations who

exploit existing, well-established transportation networks on both sides of the border. These organizations are also able to illegally secure and ship precursor chemicals. The remaining 10–20% of methamphetamine used domestically is produced in the many smaller laboratories that have become a significant problem for State and local law enforcement. While these laboratories produce relatively small amounts of methamphetamine, they represent the vast majority of operating methamphetamine laboratories in this country.

Several law enforcement officials have testified before the Judiciary Subcommittee on Crime that Federal and State controls on precursor chemicals (such as ephedrine, pseudoephedrine, and phenylpropanolamine) are having a positive impact on the purity of methamphetamine produced. It is clear that trafficking organizations deal also in precursor chemicals and that the illegal procurement and distribution of these chemicals is quite lucrative.

Nonetheless, the DEA has expressed great concern about the diversion of 100-count bottles of ephedrine or pseudoephedrine tablets to clandestine meth labs. Therefore, this section would reduce the registration, record keeping, and reporting threshold from 24 to 9 grams, and require that contain no more than 3 grams of the base ingredient. From a practical standpoint, this reduces the transaction threshold for 100-count bottles from 8 to 3 bottles. It is the view of the committee that all transactions involving single packages larger than 3 grams should trigger DEA registration and record keeping requirements.

Section 113. Training for Drug Enforcement Administration and State and Local Law Enforcement Personnel Relating to Clandestine Laboratories.

Section 113 authorizes \$5.5 million for each fiscal year 2001 through 2003 for DEA training programs designed to: 1) train State and local law enforcement in techniques used in meth investigations; 2) provide a certification program for State and local law enforcement enabling them to meet requirements with respect to the handling of wastes created by meth labs; 3) create a certification program that enables certain State and local law enforcement to recertify other law enforcement in their regions; and, 4) staff mobile training teams which provide State and local law enforcement with advanced training in conducting clan lab investigations and with training that enables them to recertify other law enforcement personnel. The training programs are authorized for 3 years, after which the States, either alone or in consultation or combination with other States, will be responsible for training their own personnel.

Section 114. Combating Methamphetamine and Amphetamine in High Intensity Drug Trafficking Areas.

Section 114 authorizes \$15 million for FY 2001, and necessary sums thereafter through 2004, for the Office of National Drug Control Policy (ONDCP) by hiring new Federal, State, and local law enforcement personnel in designated High Intensity Drug Trafficking Areas (HIDTA), including agents, investigators, prosecutors, lab technicians and chemists. It provides that the funds shall be apportioned among the HIDTA's based on the following factors: 1) the number of methamphetamine laboratories discovered in the

previous year; 2) the number of methamphetamine prosecutions in the previous year; 3) the number of methamphetamine arrests in the previous year; 4) the amounts of methamphetamine seized in the previous year; and 5) intelligence and predictive data from the DEA and Health and Human Services (HHS) showing patterns and trends in abuse, trafficking and transportation patterns in methamphetamine, amphetamine and listed chemicals. Before apportioning any funds, the Director must certify that the law enforcement entities responsible for clandestine laboratory seizures are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center. It also provides that not more than 5 percent of the appropriated amount may be used for administrative costs.

Section 115. Combating Amphetamine and Methamphetamine Manufacturing and Trafficking.

Subsection 115(a) authorizes the Administrator of the DEA to hire new agents to 1) assist State and local law enforcement in small and mid-sized communities in all phases of drug investigations, including assistance with foreign-language interpretation; 2) staff additional regional enforcement and mobile enforcement teams; 3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas; 4) provide the Special Operations Division with additional agents for intelligence and investigative operations; 5) enhance the investigative and related functions of the Chemical Control Program to more fully implement the provisions of the Comprehensive Methamphetamine Control Act of 1996; 6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals; 7) develop a computer infrastructure to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to DEA field offices and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System and the Chemical Transaction Database of the Administration; 8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and, 9) carry out such other activities as the Administrator considers appropriate.

Subsection 115(b)(1) authorizes the Administrator to establish not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions. Subsection 115(b)(2) further authorizes the Administrator, in carrying out activities (5) through (8) of Subsection 115(a), to establish not more than 15 full-time positions, including not more than 10 diversion investigator positions, and to appoint personnel to such positions. These positions will be in addition to other positions authorized under this subsection.

Subsection 115(c) authorizes \$9.5 million for each fiscal year after FY 2000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which \$3 million shall be available for ac-

tivities (5) through (8) of Subsection 115(a) and for employing personnel in positions authorized in subsection 115(b)(2).

Subtitle C—Abuse Prevention and Treatment

Section 121. Expansion of Methamphetamine Research.

Section 121 amends the Public Health Service Act to authorize necessary sums in each fiscal year for the Director of the National Institute on Drug Abuse (NIDA) to make grants and enter into cooperative agreements to expand the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction. Funds made available under this section may be used only for certain enumerated research criteria. This section further requires NIDA to promptly disseminate research results to Federal, State, and local entities involved in combating methamphetamine abuse and addiction.

Section 122. Methamphetamine and Amphetamine Treatment Initiative by Center for Substance Abuse Treatment.

Section 122 amends the Public Health Service Act to authorize \$10 million for FY 2001 and necessary sums thereafter through FY 2003 for the Director of the Center for Substance Abuse Treatment to make grants to substance abuse directors of States and Indian tribes that have a high rate, have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit them to expand activities in connection with the treatment of that abuse and addiction in those geographical areas. Grant activities shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine and amphetamine abuse or addiction. Further, the Director shall: 1) ensure that grants are distributed equitably among the various regions of the country, and among rural, urban, and suburban areas that are affected by this abuse and addiction; 2) evaluate the activities supported by grants; 3) disseminate widely such significant information derived from the evaluation to assist States, Indian tribes, and private providers of treatment services; and, 4) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment. Of the funds appropriated to carry out this section in any fiscal year, only the lesser of 5 percent of such funds or \$1 million shall be available to the Director its administration.

Section 123. Expansion of Methamphetamine Abuse Prevention Efforts.

Section 123 amends the Public Health Service Act to authorize \$15 million in FY 2001 and necessary sums thereafter to authorize the Administrator of the Substance Abuse and Mental Health Services Administration (SAMSHA) to make grants to public and non-profit private entities to carry out school-based and community programs concerning methamphetamine and other illicit drugs that are effective and science-based and consistent with certain enumerated research and clinical criteria. The Administrator shall give priority in making grants to rural and urban areas that are experiencing a high rate or rapid increase in methamphetamine abuse.

The amounts awarded may be used to carry out various programs that focus on populations that are most at-risk for abuse of or addiction to methamphetamine and other illicit drugs.

The committee recognizes that prevention programs, along with effective law enforcement efforts and appropriate criminal penalties, are necessary to battle the manufacturing of methamphetamine in this country. It is the view of the committee that, in awarding grants under this section, SAMHSA should give priority to rural and urban areas that are experiencing a high rate or rapid increase in methamphetamine abuse and/or addiction.

Section 124. Study of Methamphetamine Treatment.

Section 124 directs the Secretary of HHS, in consultation with the Institute of Medicine of the National Academy of Sciences, to conduct a study on the development of medications to treat addiction to amphetamine and methamphetamine and to report the findings to Congress within 9 months after enactment of this act.

Subtitle D—Reports

Section 131. Reports on Consumption of Methamphetamine and Other Illicit Drugs in Rural Areas, Metropolitan Areas, and Consolidated Metropolitan Areas.

Section 131 requires the Secretary of Health and Human Services to include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

Section 132. Report on Diversion of Ordinary, Over-the-counter Pseudoephedrine and Phenylpropanolamine Products.

Subsection 132(a) of the bill requires the Attorney General to conduct a report on the diversion and use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products (via safe harbor packaging) in the clandestine production of illegal drugs, consistent with data supplied from certain enumerated sources.

Subsection 132(b) requires, within 1 year from the date of enactment of this act, the Attorney General to report to Congress the findings as a result of the study, and any recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine as appropriate.

Subsection 132(c) requires, notwithstanding the Comprehensive Methamphetamine Control Act of 1996, the Attorney General to establish by regulation, after notice, comment, and opportunity for a hearing, a single-transaction limit of not less than a 24 gram threshold on (“safe harbor” packaging of) pseudoephedrine or phenylpropanolamine for retail distributors, if the Attorney General finds, in the report under subsection 132(b) there is report finds that there is a significant number of instances where safe harbor or “blister” packages purchased at retail were widely used in the clandestine production of illegal drugs; and the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

It is the view of the committee that the purpose of the study is to determine what amount of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products used in clandestine meth labs are actually purchased at retail. If most ordinary over-the-counter drug products used in meth labs are obtained through theft, smuggling, or sold “through the back door,” additional restrictions on the retail sale of ordinary over-the-counter drug products will have little or no impact on clandestine meth production. For that reason, the committee is directing that the study make a clear distinction between those over-the-counter drug products found in clandestine drug laboratories that are obtained through legal purchases from traditional retail outlets through face-to-face transactions, and those obtained illicitly.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Section 201. Enhanced Punishment for Trafficking in List I Chemicals.

Section 201 directs the United States Sentencing Commission to amend Federal sentencing guidelines, as soon as practicable after enactment, with respect to violations of certain provisions of the Controlled Substances Act and Controlled Substance Import and Export Act involving list I chemicals. In carrying out this section, the Commission shall review and amend its guidelines to provide for increased penalties for offenses involving ephedrine, phenylpropanolamine, or pseudoephedrine such that those penalties correspond to the quantity of controlled substance that could reasonably have been manufactured using the quantity of those chemicals distributed. The Commission is further directed to establish a table of conversion ratios based on scientific, law enforcement, and other appropriate data for determining the quantity of controlled substances that could reasonably be made from those list I chemicals. In carrying out this section, the Commission shall, with respect to each offense involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and certain extreme dangers associated with unlawful activity involving methamphetamine and amphetamine.

Section 202. Mail Order Requirements.

Section 202 amends the Controlled Substances Act to change reporting requirements for registered persons who engage in a transaction with a person involving ephedrine, pseudoephedrine, or phenylpropanolamine to submit monthly reports to the Attorney General documenting each transaction. While certain reported information assists the DEA in monitoring the diversion of listed chemicals, some reported information has proven to be both unuseful to the DEA and burdensome to industry.

The reporting requirements exempted in this section represent requirements that both the DEA and industry have determined to have little value in monitoring diversion. Reporting will no longer be required for valid prescriptions, limited distributions of sample

packages, distributions by retail distributors if consistent with authorized activities, distributions to long-term care facilities, and any product that has been exempted by the Attorney General. This section also allows the Attorney General to revoke this exemption upon a finding that the drug product being distributed is used in violation of the Controlled Substances Act.

Section 204. Theft and Transportation of Anhydrous Ammonia for Purposes of Illicit Production of Controlled Substances.

Section 204 amends the Controlled Substances Act to make it unlawful for a person to steal anhydrous ammonia, or to transport stolen anhydrous ammonia across State lines, knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance. Anhydrous ammonia is legitimately used by farmers to make fertilizer; however, unfortunately it is also used by drug manufacturers to produce methamphetamine. The committee has heard from members of farming communities about the widespread theft of anhydrous ammonia by criminals, and it is the view of the committee that this is a serious problem.

This section also requires the Administrator of the DEA to seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate its usefulness as an ingredient in the production of methamphetamine. This provision authorizes \$500,000 to the DEA for FY 2001 for this purpose and allows that same amount to be spent in the agreement with the University.

Subtitle B—Other Matters

Section 211. Waiver Authority for Physicians Who Dispense or Prescribe Certain Narcotic Drugs for Maintenance Treatment or Detoxification Treatment.

Section 211 amends the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment. It frees qualified physicians to treat their addicted patients using schedule IV or V drugs, promises to speed the further development and approval of schedule IV and V narcotic drugs suitable for addiction treatment purposes, and offers the prospect of medical treatment for the many Americans for whom other treatment programs are out of reach.

Under existing law, physicians must register with the Drug Enforcement Administration (DEA) in order to dispense controlled substances. If physicians wish to dispense narcotic controlled substances for maintenance and detoxification treatment, the physicians must have the additional prior approval of the DEA, as well as the endorsement of State and local regulatory authorities, and the drugs used in treatment must have been approved by the Food and Drug Administration (FDA). This section waives the additional approval process for qualified physicians who comply with the waiver procedure. For 3 years following enactment, it supersedes any conflicting State or local law or regulation.

The waiver procedure only extends to physicians registered to dispense controlled substances and qualified by training or experience to treat opiate-dependent patients. Physicians activate the waiver mechanism by notifying the Secretary of Health and Human Services (the Secretary) in writing of their intention to begin treatments and documenting their qualifications. The waiver is available for treatment involving schedule IV or V controlled substances, alone or in combination, and unless the number is adjusted by the Secretary, for the treatment of no more than 40 patients at any one time.

This provision relies on several safeguards against abuse of the waiver procedure. The Secretary may deny access to the waiver mechanism in the case of treatments using a particular drug or combination of drugs should the Secretary determine that the drug or drugs warrant either more demanding physician qualification standards or more narrowly defined restrictions on the quantities that may be dispensed for unsupervised use.

Physicians risk the loss of their registration to dispense controlled substances, and in serious cases criminal prosecution, if they dispense schedule IV or V controlled substances absent either the existing approval procedure or the bill's mechanism waiving the requirements of that procedure.

Finally, within 3 years following enactment, the Secretary and the Attorney General may end availability of the waiver. The Secretary's decision may turn upon determinations whether (1) the treatments provided under the waiver mechanism have been effective forms of clinical treatment; (2) the waivers have increased the availability of treatment; or (3) the treatments have had adverse public health consequences. The Attorney General's decision may likewise be grounded upon (1) the waiver mechanism's adverse public health consequences; (2) the extent to which the numerical limitations on patients under treatment have been breached; or (3) the extent to which the waiver mechanism has contributed to an increase in violations of the Controlled Substances Act that involve schedule IV or V drugs.

Nothing in this section is intended to affect the long-standing authority of the Attorney General to enforce the standard that a controlled substance is legally dispensed by a practitioner only when it is dispensed for a legitimate medical purpose by the practitioner acting in the usual course of his/her professional practice. Nor is it intended to affect the authority of the Secretary of Health and Human Services under 42 U.S.C. § 257(a), after consultation with the Attorney General, to determine appropriate methods of professional practice in the medical treatment of narcotic addiction. *See, U.S. v. Moore*, 423 U.S. 122 (1975). The standard applies to the dispensing of all controlled substances, including dispensing in the course of maintenance or detoxification of an individual.

TITLE III—MISCELLANEOUS

Section 301. Antidrug Messages on Federal Government Internet Websites.

Section 301 requires all Federal departments and agencies, in consultation with ONDCP, to place anti-drug messages on their

Internet websites as well as an electronic hyperlink to the ONDCP website.

Section 302. Severability.

Section 302 provides that any provision of this act held to be invalid or unenforceable shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this act and shall not affect the applicability of the remainder of the act.

TITLE IV—CLUB DRUG ANTI-PROLIFERATION

Section 401. Enhanced Punishment of Club Drug Traffickers.

Section 401 directs the United States Sentencing Commission to amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in, MDMA (aka “Ecstasy”), PMA, or any other “club drug” as determined by the Sentencing Commission in consultation with the Attorney General, so that the penalties are comparable to the base offense levels for offenses involving any methamphetamine mixture.

Under current sentencing guidelines, Ecstasy possession and smuggling is sentenced less severely even than amphetamine. In fact, in some areas of the country the minimum threshold for Federal prosecution for trafficking of Ecstasy is 10,000 pills. Even if a drug trafficker is convicted of an offense related to the possession of 1000 pills, he/she may only receive 1 year in prison, only 6 years for 50,000 pills, and only 10 years for 200,000 pills. 200,000 pills has an approximate street value of \$10 million.

This section directs the Sentencing Commission to amend Federal sentencing guidelines in light of the increasing use of Ecstasy and knowledge of its effects. The Commission shall review and amend the Federal sentencing guidelines, making them comparable to the base offense levels for offenses involving any methamphetamine mixture. Under these new guidelines, 50 grams of MDMA, almost 200 pills, would lead approximately to a 5-year prison sentence. The committee notes that the section does not specify a mandatory minimum, instead it leaves the actual sentencing derivation up to the sentencing commission.

Section 402. Enhanced Punishment of GHB Traffickers.

Section 402 directs the US Sentencing Commission to amend the Federal sentencing guidelines with respect to any offense relating to the manufacture, importation, exportation, or trafficking in gamma-hydroxybutyric acid and its salts (GHB), or the list I chemical gamma-butyrolactone (GBL), so that the penalties reflect the seriousness of these offenses and the need to deter them, as well as so that the guidelines provide that offenses involving a significant quantity of Schedule I and II depressants are subject to greater terms of imprisonment than currently provided by the guidelines, consistent with applicable statutory maximum penalties.

Section 403. Emergency Authority to Sentencing Commission.

The Commission shall promulgate the amendments corresponding to sections 401 and 402 as soon as practicable after date of enactment.

Section 404. Expansion of Club Drug Abuse Prevention Efforts.

Section 404 amends the Public Health Service Act to authorize \$5 million (for FY 01, and such sums as necessary beyond that) to Administrator of the Substance Abuse and Mental Health Services Administration (SAMSHA) for grants to public and nonprofit private entities to carry out school and community-based programs concerning the dangers of addiction to Ecstasy, PMA, or related drugs. The Administrator is to give priority for grants to areas experiencing a high rate of abuse and addiction. This section also directs the Director of ONDCP to ensure that the Drug-Free Media Campaign addresses Ecstasy and club drug abuse.

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

Section 501. Reimbursement by Drug Enforcement Administration of Expenses Incurred to Remediate Methamphetamine Laboratories.

Section 501 authorizes \$10 million for the remainder of FY 2000, and \$20 million for FY 2001, to the DEA for the purpose of reimbursing States, localities, Indian tribes, and other public entities for expenses related to cleaning up clandestine methamphetamine laboratories. While this function has been funded in the past, it has never been authorized.

Remediation of a methamphetamine laboratory is extremely expensive, often running into the tens of thousands of dollars. Local governments and law enforcement agencies, especially those in rural areas, cannot afford these escalating costs. This provision will allow the DEA to use funds to assist with this effort. Further, the section authorizes DEA to hire five additional personnel in their hazardous waste disposal unit to meet the increasing demands of meth lab processing and disposal.

With respect to the authorization of funds for FY 2000, this section makes \$10 million in unobligated funds in the COPS program available to assist State and local law enforcement agencies with the costs of cleaning up clandestine methamphetamine laboratories. Funds were made available for this purpose in fiscal years 1998 and 1999, however, funds made available in FY 2000 were designated for 15 specific recipients, leaving inadequate funding for other States and localities across the country. The Drug Enforcement Administration used residual FY 1998 and 1999 funds to assist with clean-up during this current fiscal year, however, those funds have been exhausted. The amendment provides funding for the program through the end of the current fiscal year.

With respect to the authorization of funds for FY 2001, the amendment authorizes \$20 million for cleanup costs. This funding level is consistent with the funding provided in the House-passed Commerce, Justice, State and Judiciary Appropriations Act for FY 2001.

TITLE VI—FEDERAL DRUG COURTS

Section 601. Establishment.

Section 601 authorizes Federal courts to consider sentencing individuals convicted of a Federal non-violent drug-related offense involving a simple possession quantity of drugs to an appropriate rehabilitation program established under this section.

Section 602. Rehabilitation Program.

Section 602 requires the Federal Bureau of Prisons to establish and maintain a rehabilitation program consisting of residential substance abuse treatment and after care. The Committee notes that current law (18 U.S.C. § 3621(e)) requires the BOP to offer substance abuse treatment programs to all person incarcerated in the custody of the BOP. Among the several programs offered to inmates is a nine month residential drug abuse treatment program (RDAP) offered to inmates who are found to be drug dependant. While inmates sentenced to short periods of incarceration would be unable to complete such a program prior to their release, other, shorter substance abuse awareness programs are offered in which they may participate.

The RDAP program includes most, if not all, of the elements described in section 602. Other elements of a program, as required by this section, are also offered by the BOP to all inmates, but not always as part of the RDAP program. The Committee believes that should the BOP continue to offer participation in the RDAP program, and continue to offer these other rehabilitative programs, it will satisfy the requirements of this section of the bill. Accordingly, this section should not be constructed to require the BOP to create another drug treatment program to comply with this section of the bill. Also, Committee notes that the BOP offers participation in this program only to inmates whom the BOP has determined are drug dependant. The Committee agrees with this policy. Nothing in section 602 should be construed as requiring this program to be offered to all inmates irrespective of need, or as removing the authority of the BOP to determine which inmates in its custody may participate in this program.

Section 603. Authorization of Appropriations.

Section 603 authorizes such sums as are necessary to carry out this title.

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

Section 701. Findings.

Section 701 sets forth a number of findings concerning mandatory minimum sentences. The committee notes, however, that there are no mandatory minimum sentences in H.R. 2987.

Section 702. Department of Justice Study.

Section 702 requires the Attorney General to issues a report to the House and Senate Judiciary Committees, within 1 year of the enactment of this act, on the impact of mandatory minimum sentences and their effectiveness.

TITLE VIII—RULE OF CONSTRUCTION

Section 801. Rule of Construction.

Section 801 provides that nothing in this act shall be construed to impose any new mandatory minimum sentences.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

CONTROLLED SUBSTANCES ACT

TABLE OF CONTENTS

TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

Sec. 100. Short title.

* * * * *

PART D—OFFENSES AND PENALTIES

Sec. 401. Prohibited acts A—penalties.

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Sec. 422. Drug paraphernalia.

Sec. 423. Anhydrous ammonia.

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TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

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DEFINITIONS

SEC. 102. As used in this title:

(1) * * *

* * * * *

(39) The term “regulated transaction” means—

(A) a distribution, receipt, sale, importation, or exportation of, or an international transaction involving shipment of, a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical, a threshold amount, including a cumulative threshold amount for multiple transactions (as determined by the Attorney General, in consultation with the chemical industry and taking into consideration the quantities normally used for lawful purposes), of a listed chemical, except that such term does not include—

(i) * * *

* * * * *

(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed law-

fully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

(I) * * *

(II) the quantity of ephedrine, pseudoephedrine, phenylpropanolamine, or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General, except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be **[24]** 9 grams of pseudoephedrine or **[24]** 9 grams of phenylpropanolamine in a single transaction *and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base*; or

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES; PIPERIDINE REPORTING

REGISTRATION REQUIREMENTS

SEC. 303. (a) * * *

* * * * *

[(g) Practitioners who dispense] *(g)(1) Except as provided in paragraph (2), practitioners who dispense or prescribe narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The Attorney General shall register an applicant to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment (or both)—*

[(1)] *(A) if the applicant is a practitioner who is determined by the Secretary to be qualified (under standards established by the Secretary) to engage in the treatment with respect to which registration is sought;*

[(2)] *(B) if the Attorney General determines that the applicant will comply with standards established by the Attorney General respecting **[(A) security]** (i) security of stocks of narcotic drugs for such treatment, and **[(B) the maintenance]** (ii) the maintenance of records (in accordance with section 307) on such drugs; and*

[(3)] *(C) if the Secretary determines that the applicant will comply with standards established by the Secretary (after consultation with the Attorney General) respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.*

(2)(A) Subject to subparagraph (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before

initially dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

- (I) The physician—*
 - (aa) is a physician licensed under State law; and*
 - (bb) has training or experience and the ability to treat and manage opiate-dependent patients.*
- (II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.*
- (III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 30, except that the Secretary may by regulation change such total number.*
- (IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.*
- (ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to address the following:*
 - (aa) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.*
 - (bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.*
- (II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.*
- (III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.*

(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine and Club Drug Anti-Proliferation Act of 2000.

(IV) For purposes of the regulations or practice guidelines under subclause (I), a physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

(dd) The physician has training or experience in the treatment and management of opiate-dependent patients, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

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

(i) *The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.*

(ii) *The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.*

(D)(i) *A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:*

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

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

(III) *If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).*

(IV) *A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.*

(ii) *The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.*

(E) *If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.*

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

(ii) *Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.*

(iii) *If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under*

subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

(G) In this paragraph:

(i) The term “group practice” has the meaning given such term in section 1877(h)(4) of the Social Security Act.

(ii) The term “physician” has the meaning given such term in section 1861(r) of the Social Security Act.

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

(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine and Club Drug Anti-Proliferation Act of 2000, make determinations in accordance with the following:

(I)(aa) The Secretary shall—

(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

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

(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

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

(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

(II) The Attorney General shall—

(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine and Club Drug Anti-Proliferation Act of 2000, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.

* * * * *

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance or a list I chemical may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) * * *

* * * * *

A registration pursuant to section **[303(g)] 303(g)(1)** to dispense a narcotic drug for maintenance treatment or detoxification treatment may be suspended or revoked by the Attorney General upon a finding that the registrant has failed to comply with any standard referred to in section **[303(g)] 303(g)(1)**.

* * * * *

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. A failure to comply with a standard referred to in section **[303(g)] 303(g)(1)** may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. A suspension under this subsection shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

* * * * *

REGULATION OF LISTED CHEMICALS AND CERTAIN MACHINES

SEC. 310. (a) * * *

(b)(1) * * *

* * * * *

(3) MAIL ORDER REPORTING.—(A) *As used in this paragraph:*

(i) *The term “drug product” means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.*

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

[(A)] (B) *Each regulated person who engages in a transaction with a nonregulated person or who engages in an export transaction which—*

(i) *involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and*

(ii) *uses or attempts to use the Postal Service or any private or commercial carrier;*

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

[(B)] (C) *The data required for such reports shall include—*

(i) *the name of the purchaser;*

(ii) *the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and*

(iii) *the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.*

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

(i) *Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.*

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

(iii) *Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility*

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

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

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

(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).

* * * * *

PART D—OFFENSES AND PENALTIES

CRIMINAL FORFEITURES

PROPERTY SUBJECT TO CRIMINAL FORFEITURE

SEC. 413. (a) * * *

* * * * *

(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of *amphetamine* or *methamphetamine*, **[may]** *shall*—

(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

(2) order the defendant to reimburse the United States, *the State or local government concerned, or both the United States and the State or local government concerned* for the costs incurred by the United States or *the State or local government concerned, as the case may be*, for the cleanup associated with the manufacture of *amphetamine* or *methamphetamine* by the defendant; and

(3) order restitution to any person injured as a result of the offense as provided in section **[3663]** 3663A of title 18, United States Code.

ESTABLISHMENT OF MANUFACTURING OPERATIONS

SEC. 416. (a) * * *

* * * * *

(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.

* * * * *

DRUG PARAPHERNALIA

SEC. 422. (a) * * *

* * * * *

(d) The term “drug paraphernalia” means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under the Controlled Substances Act (title II of Public Law 91–513). It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, *methamphetamine*, or amphetamines into the human body, such as—

(1) * * *

* * * * *

ANHYDROUS AMMONIA

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

(1) to steal anhydrous ammonia, or

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

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

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

* * * * *

SECTION 524 OF TITLE 28, UNITED STATES CODE

§ 524. Availability of appropriations

(a) * * *

* * * * *

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the “Fund”) which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) * * *

* * * * *

(E)(i) for disbursements authorized in connection with re-
mission or mitigation procedures relating to property forfeited
under any law enforced or administered by the Department of
Justice; and

(ii) for payment for—

(I) costs incurred by or on behalf of the Department of
Justice in connection with the removal, for purposes of Fed-
eral forfeiture and disposition, of any hazardous substance
or pollutant or contaminant associated with the illegal
manufacture of amphetamine or methamphetamine; and

(II) costs incurred by or on behalf of a State or local
government in connection with such removal in any case in
which such State or local government has assisted in a
Federal prosecution relating to amphetamine or meth-
amphetamine, to the extent such costs exceed equitable
sharing payments made to such State or local government
in such case;

* * * * *

(4) There shall be deposited in the Fund—

(A) * * *

(B) all amounts representing the Federal equitable share
from the forfeiture of property under any Federal, State, local
or foreign law, for any Federal agency participating in the
Fund; [and]

(C) all amounts transferred by the Secretary of the Treas-
ury pursuant to section 9703(g)(4)(A)(ii) of title 31[.]; and

(D) all amounts collected—

(i) by the United States pursuant to a reimbursement
order under paragraph (2) of section 413(q) of the Con-
trolled Substances Act (21 U.S.C. 853(q)); and

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

* * * * *

TITLE 18, UNITED STATES CODE

* * * * *

PART II—CRIMINAL PROCEDURE

* * * * *

**CHAPTER 232—MISCELLANEOUS SENTENCING
PROVISIONS**

* * * * *

§ 3663. Order of restitution

(a) * * *

* * * * *

(c)(1) * * *

(2)(A) An order of restitution under this subsection shall be based on the amount of public harm caused by the offense, as determined by the court in accordance with guidelines promulgated by the United States Sentencing Commission.

(B) In no case shall the amount of restitution ordered under this subsection exceed the amount of the fine *which may be* ordered for the offense charged in the case.

* * * * *

§ 3663A. Mandatory restitution to victims of certain crimes

(a) * * *

* * * * *

(c)(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense—

(A) that is—

(i) a crime of violence, as defined in section 16;

(ii) an offense against property under this title, or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)), including any offense committed by fraud or deceit; or

* * * * *

SECTION 501 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

DESCRIPTION OF THE DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM

SEC. 501. (a) * * *

(b) The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the “Director”) is authorized to make grants to States, for the use by States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Such grants shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, and detention and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

(1) * * *

* * * * *

(3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations *and to remove any hazardous substance or*

pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine;

* * * * *

PUBLIC HEALTH SERVICE ACT

* * * * *

TITLE IV—NATIONAL RESEARCH INSTITUTES

* * * * *

PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

* * * * *

Subpart 15—National Institute on Drug Abuse

DRUG ABUSE RESEARCH CENTERS

SEC. 464N. (a) * * *

* * * * *

(c) METHAMPHETAMINE RESEARCH.—

(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

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

(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

(C) the connection between methamphetamine abuse and mental health;

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

(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

(F) risk factors for methamphetamine abuse;

(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal,

State and local entities involved in combating methamphetamine abuse and addiction.

(4) *AUTHORIZATION OF APPROPRIATIONS.—*

(A) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.*

(B) *SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.*

TITLE V—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

PART A—ORGANIZATION AND GENERAL AUTHORITIES

* * * * *

SEC. 506. GRANTS FOR CLUB DRUG ABUSE PREVENTION.

(a) *AUTHORITY.—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—*

(1) *to carry out school-based programs concerning the dangers of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own antidrug abuse education programs for their schools; and*

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

(b) *USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs in accordance with paragraph (3).*

(c)(1) *DISCRETIONARY FUNCTIONS.—Amounts provided under this section may be used—*

(A) *to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs and targeted at populations that are most at risk to start abuse of 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;*

(B) *to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;*

(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;

(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community antidrug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, and the options for treatment and prevention;

(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs;

(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs, and reporting and disseminating resulting information to the public; and

(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

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

(d)(1) PREVENTION PROGRAM ALLOCATION.—Not less than \$500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine, paramethoxymethamphetamine or related drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

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

(A) the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

(B) the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

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

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

(2) such sums as may be necessary for each succeeding fiscal year.

PART B—CENTERS AND PROGRAMS

Subpart 1—Center for Substance Abuse Treatment

* * * * *

METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

SEC. 514. (a) GRANTS.—

(1) *AUTHORITY TO MAKE GRANTS.*—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

(2) *RECIPIENTS.*—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

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

(b) *GEOGRAPHIC DISTRIBUTION.*—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

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

(1) evaluate the activities supported by grants under subsection (a);

(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

(d) *AUTHORIZATION OF APPROPRIATIONS.*—

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

(2) *USE OF CERTAIN FUNDS.*—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or \$1,000,000 shall be available to the Director for purposes of carrying out subsection (c).

Subpart 2—Center for Substance Abuse Prevention

OFFICE FOR SUBSTANCE ABUSE PREVENTION

SEC. 515. (a) * * *

* * * * *

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

(A) *to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and*

(B) *to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.*

(2) *Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).*

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

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

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

(iii) *to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;*

(iv) *to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;*

(v) *for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;*

(vi) *for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and*

(vii) *for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.*

(B) *The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.*

(4)(A) *Not less than \$500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appro-*

priate strategies for disseminating information about and implementing these programs.

(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

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

(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.

* * * * *

