

NATIVE AMERICAN METHAMPHETAMINE ENFORCEMENT
AND TREATMENT ACT OF 2007

MARCH 21, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DINGELL, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 545]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred
the bill (H.R. 545) to amend the Omnibus Crime Control and Safe
Streets Act of 1968 to clarify that territories and Indian tribes are
eligible to receive grants for confronting the use of methamphet-
amine, having considered the same, report favorably thereon with
an amendment and recommend that the bill as amended do pass.

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AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Methamphetamine Enforcement and Treatment Act of 2007”.

SEC. 2. NATIVE AMERICAN PARTICIPATION IN METHAMPHETAMINE GRANTS.

(a) IN GENERAL.—Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, territories, and Indian tribes (as defined in section 2704)” after “to assist States”; and

(B) in subparagraph (B), by striking “and local” and inserting “, territorial, Tribal, and local”;

(2) in paragraph (2), by inserting “, territories, and Indian tribes” after “make grants to States”; and

(3) in paragraph (3)(C), by inserting “, Tribal,” after “support State”.

(b) GRANT PROGRAMS FOR DRUG ENDANGERED CHILDREN.—Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(a)) is amended by inserting “, territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d))” after “make grants to States”.

(c) GRANT PROGRAMS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.—Section 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc–3) is amended—

(1) in subsection (a)(2), by inserting “, territorial, or Tribal” after “State”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “, territorial, or Tribal” after “State”; and

(ii) by striking “and/or” and inserting “or”;

(B) in paragraph (2)—

(i) by inserting “, territory, Indian tribe,” after “agency of the State”; and

(ii) by inserting “, territory, Indian tribe,” after “criminal laws of that State”; and

(C) by adding at the end the following:

“(3) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).”;

(3) in subsection (c)—

(A) in paragraph (3), by striking “Indian Tribes” and inserting “Indian tribes”; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “State’s”; and

(II) by striking “and/or” and inserting “or”;

(ii) in subparagraph (A), by striking “State”;

(iii) in subparagraph (C), by inserting “, Indian tribes,” after “involved counties”; and

(iv) in subparagraph (D), by inserting “, Tribal” after “Federal, State”.

PURPOSE AND SUMMARY

H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007, amends the Omnibus Crime Control and Safe Streets Act of 1968 and the USA PATRIOT Improvement and Reauthorization Act of 2005 to include and reaffirm territories and Indian tribes as eligible grant recipients under programs to address the manufacture, sale, and use of methamphetamine; aid children in homes in which methamphetamine or other drugs are unlawfully manufactured, distributed, dispensed, or used; and ad-

dress methamphetamine use by pregnant and parenting women offenders.

BACKGROUND AND NEED FOR LEGISLATION

Methamphetamine is a powerful and addictive central nervous system stimulant used to treat a limited number of medical conditions, including narcolepsy, attention deficit disorder/attention deficit/hyperactivity disorder (ADD/ADHD), and obesity. Methamphetamine use can cause convulsions, stroke, cardiac arrhythmia, and hyperthermia. Chronic use can lead to irreversible brain and heart damage, psychotic behavior including paranoid ideation, visual and auditory hallucinations, and rages and violence.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), illicit methamphetamine production and use are longstanding and severe problems throughout the country, and there are indications that abuse may be spreading. The National Institute of Justice states that methamphetamine use has spread to every State. An annual survey by SAMHSA, the National Survey on Drug Use and Health (NSDUH), provides national estimates of methamphetamine use in recent years. According to the NSDUH, in 2005 almost 1.3 million persons aged 12 and older had used methamphetamine in the past year and 512,000 had used methamphetamine in the past month. The survey also indicated that the number of past month methamphetamine users who met the criteria for illicit drug dependence or abuse increased from 164,000 users in 2002 to 257,000 in 2005.

Methamphetamine abuse is a significant burden on rural communities and tribal communities. The Indian Health Service (IHS) reports that over 30 percent of Alaska Native and American Indian youth have experimented with methamphetamine, and that 1.9 percent of Alaska Natives and American Indians over the age of 12 are currently using it. According to the Centers for Disease Control and Prevention (CDC), the rate of use among Alaska natives and American Indians is almost three times higher than the national rate for whites and four times higher than the rate for Hispanics and Latinos.

Over the past 30 years, Congress has passed legislation designed to address the problem of illicit methamphetamine abuse and its production in clandestine labs, including legislation to regulate methamphetamine precursor chemicals, enhanced penalties for drug trafficking, and increased funding for methamphetamine-specific law enforcement programs. Recent congressional concern about the spreading use of methamphetamine fueled much of the legislative debate during the 109th Congress, culminating in the passage of the Combat Methamphetamine Epidemic Act of 2005, enacted as Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005.

The Combat Methamphetamine Epidemic Act of 2005 authorized funding for three programs within the Department of Justice that focus on addressing the issue of illicit methamphetamine. Specifically, the programs are: (1) the COPS Hot Spots Program; (2) the Drug-Endangered Children program; and (3) the Pregnant and Parenting Women Offenders program.

Under current law, only States may apply for COPS Hot Spots Program grants and Drug-Endangered Children program grants.

Both States and Indian tribes are eligible to receive grants under the Pregnant and Parenting Women Offenders Grant program that addresses methamphetamine use by pregnant and parenting women offenders. H.R. 545 would make U.S. territories and Indian tribes eligible to apply for the Hot Spots program and the Drug-Endangered Children Grant program.

HEARINGS

The Committee on Energy and Commerce has not held hearings on this legislation.

COMMITTEE CONSIDERATION

On Tuesday, March 13, 2007, the Subcommittee on Health met in open markup session and forwarded H.R. 545 to the full Committee, amended, by voice vote.

On Thursday, March 15, 2007, the Committee on Energy and Commerce met in open markup session and ordered H.R. 545 favorably reported to the House, amended, by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 545 reported. A motion by Mr. Dingell to order H.R. 545 favorably reported to the House, amended, was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of H.R. 545 are to include and reaffirm territories and Indian tribes as eligible grant recipients under programs to address the manufacture, sale, and use of methamphetamine; aid children in homes in which methamphetamine or other drugs are unlawfully manufactured, distributed, dispensed, or used; and address methamphetamine use by pregnant and parenting women offenders.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 545 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARKS AND TAX AND TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 545 does not contain any congressional

earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

MARCH 19, 2007.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 545, the Native American Methamphetamine Enforcement and Treatment Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 545—Native American Methamphetamine Enforcement and Treatment Act of 2007

H.R. 545 would make U.S. territories and Indian tribes eligible to apply for certain Department of Justice grants to combat the abuse of methamphetamine. Under current law, only states may apply for these grants. CBO estimates that implementing the bill would result in no significant increase in spending for these grant programs. Enacting H.R. 545 would not affect direct spending or receipts.

H.R. 545 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The bill would make territories and tribal governments eligible to receive grants through three existing federal programs to combat methamphetamine use. Any costs to those governments would be incurred voluntarily as conditions of receiving federal assistance.

On February 15, 2007, CBO transmitted a cost estimate for H.R. 545 as ordered reported by the House Committee on the Judiciary on February 7, 2007. The two versions of the bill are nearly identical, and the cost estimates are the same.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in the provisions of Article I, section 8, clause 1 that relate to expending funds to provide for the general welfare of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 establishes the short title as the “Native American Methamphetamine Enforcement and Treatment Act of 2007.”

Section 2. Native American participation in methamphetamine grants

Section 2 amends section 2996 of the Omnibus Crime Control and Safe Streets Act of 1968, and sections 755 and 756 of the USA PATRIOT Improvement and Reauthorization Act of 2005, to include or reaffirm territories and Indian tribes as eligible grant recipients under programs to: (1) curtail the manufacture, sale, and use of methamphetamine; (2) aid children in homes in which methamphetamine or other drugs are unlawfully manufactured, distributed, dispensed, or used; and (3) reduce methamphetamine use by pregnant and parenting women.

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 italic, existing law in which no change is proposed is shown in roman):

SECTION 2996 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**SEC. 2996. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE IN HOT SPOTS.****(a) PURPOSE AND PROGRAM AUTHORITY.—**

(1) PURPOSE.—It is the purpose of this part to assist States, territories, and Indian tribes (as defined in section 2704)—

(A) * * *

(B) to improve the ability of State [and local], territorial, Tribal, and local government institutions of to carry out such programs.

(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States, territories, and Indian tribes to address the manufacture, sale, and use of methamphetamine to enhance public safety.

(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

(A) * * *

* * * * *

(C) support State, Tribal, and local health department and environmental agency services deployed to address methamphetamine; and

* * * * *

USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

* * * * *

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

* * * * *

Subtitle E—Additional Programs and Activities

* * * * *

SEC. 755. GRANTS FOR PROGRAMS FOR DRUG-ENDANGERED CHILDREN.

(a) IN GENERAL.—The Attorney General shall make grants to States, territories, and Indian tribes (as defined in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d) for the purpose of carrying out programs to provide comprehensive services to aid children who are living in a home in which methamphetamine or other controlled substances are unlawfully manufactured, distributed, dispensed, or used.

* * * * *

SEC. 756. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.

(a) PURPOSE AND PROGRAM AUTHORITY.—

(1) * * *

(2) PURPOSES AND PROGRAM AUTHORITY.—Grants awarded under this section shall be used to facilitate or enhance and collaboration between the criminal justice, child welfare, and State, territorial, or Tribal substance abuse systems in order to

carry out programs to address the use of methamphetamine drugs by pregnant and parenting women offenders.

(b) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CHILD WELFARE AGENCY.—The term “child welfare agency” means the State, territorial, or Tribal agency responsible for child [and/or] or family services and welfare.

(2) CRIMINAL JUSTICE AGENCY.—The term “criminal justice agency” means an agency of the State, territory, Indian tribe, or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State, territory, Indian tribe, or local government.

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 2704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797d).

(c) APPLICATIONS.—

(1) * * *

* * * * *

(3) ELIGIBLE ENTITIES.—The Attorney General shall make grants to States, territories, and [Indian Tribes] Indian tribes. Applicants must demonstrate extensive collaboration with the State criminal justice agency and child welfare agency in the planning and implementation of the program.

(4) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General in consultation with the Secretary of Health and Human Services, each application for a grant under this section shall contain a plan to expand the [State’s] services for pregnant and parenting women offenders who are pregnant women [and/or] or women with dependent children for the use of methamphetamine or methamphetamine and other drugs and include the following in the plan:

(A) A description of how the applicant will work jointly with the [State] criminal justice and child welfare agencies needs associated with the use of methamphetamine or methamphetamine and other drugs by pregnant and parenting women offenders to promote family stability and permanence.

* * * * *

(C) A certification that the State has involved counties, Indian tribes, and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, Tribal, and local funds.

* * * * *