

106TH CONGRESS  
1ST SESSION

# S. 562

To provide for a comprehensive, coordinated effort to combat  
methamphetamine abuse, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 1999

Mr. HARKIN (for himself, Mr. BINGAMAN, Mrs. MURRAY, Mr. JOHNSON, and  
Mr. DORGAN) introduced the following bill; which was read twice and re-  
ferred to the Committee on the Judiciary

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## A BILL

To provide for a comprehensive, coordinated effort to combat  
methamphetamine abuse, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Comprehensive Methamphetamine Abuse Reduction  
6       Act”.

1 **SEC. 2. EXPANDING METHAMPHETAMINE ABUSE PREVEN-**  
2 **TION EFFORTS.**

3 Section 515 of the Public Health Service Act (42  
4 U.S.C. 290bb–21) is amended by adding at the end the  
5 following:

6 “(e) PREVENTION OF METHAMPHETAMINE ABUSE  
7 AND ADDICTION.—

8 “(1) GRANTS.—The Director of the Center for  
9 Substance Abuse Prevention (referred to in this sec-  
10 tion as the ‘Director’) may make grants to and enter  
11 into contracts and cooperative agreements with pub-  
12 lic and nonprofit private entities to enable such  
13 entities—

14 “(A) to carry out school-based programs  
15 concerning the dangers of methamphetamine  
16 abuse and addiction, using methods that are ef-  
17 fective and evidence-based, including initiatives  
18 that give students the responsibility to create  
19 their own anti-drug abuse education programs  
20 for their schools; and

21 “(B) to carry out community-based meth-  
22 amphetamine abuse and addiction prevention  
23 programs that are effective and evidence-based.

24 “(2) USE OF FUNDS.—Amounts made available  
25 under a grant, contract or cooperative agreement  
26 under paragraph (1) shall be used for planning, es-

1       tablishing, or administering methamphetamine pre-  
 2       vention programs in accordance with paragraph (3).

3               “(3) PREVENTION PROGRAMS AND ACTIVI-  
 4       TIES.—

5               “(A) IN GENERAL.—Amounts provided  
 6       under this subsection may be used—

7               “(i) to carry out school-based pro-  
 8       grams that are focused on those districts  
 9       with high or increasing rates of meth-  
 10      amphetamine abuse and addiction and tar-  
 11      geted at populations which are most at  
 12      risk to start methamphetamine abuse;

13              “(ii) to carry out community-based  
 14      prevention programs that are focused on  
 15      those populations within the community  
 16      that are most at-risk for methamphet-  
 17      amine abuse and addiction;

18              “(iii) to assist local government enti-  
 19      ties to conduct appropriate methamphet-  
 20      amine prevention activities;

21              “(iv) to train and educate State and  
 22      local law enforcement officials, prevention  
 23      and education officials, members of com-  
 24      munity anti-drug coalitions and parents on  
 25      the signs of methamphetamine abuse and

addiction and the options for treatment and prevention;

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

“(vi) for the monitoring and evaluation of methamphetamine prevention activities, 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) PRIORITY.—The Director 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) ANALYSES AND EVALUATION.—

“(A) IN GENERAL.—Not less than \$500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Director, acting in consultation with other Federal agencies, to support and

conduct periodic analyses and evaluations of effective prevention programs for methamphetamine abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

“(B) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under subparagraph (A).

“(5) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out paragraph (1), \$20,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.”.

**SEC. 3. EXPANDING CRIMINAL PENALTIES AND LAW ENFORCEMENT FUNDING.**

(a) SWIFT AND CERTAIN PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.—

(1) FEDERAL SENTENCING GUIDELINES.—

1 (A) IN GENERAL.—Pursuant to its author-  
2 ity under section 994(p) of title 28, United  
3 States Code, the United States Sentencing  
4 Commission shall promulgate Federal sentenc-  
5 ing guidelines or amend existing Federal sen-  
6 tencing guidelines for any offense relating to  
7 the manufacture, attempt to manufacture, or  
8 conspiracy to manufacture amphetamine or  
9 methamphetamine in violation of the Controlled  
10 Substances Act (21 U.S.C. 801 et seq.), the  
11 Controlled Substances Import and Export Act  
12 (21 U.S.C. 951 et seq.), or the Maritime Drug  
13 Law Enforcement Act (46 U.S.C. App. 1901 et  
14 seq.) in accordance with this paragraph.

15 (B) REQUIREMENTS.—In carrying out this  
16 paragraph, the United States Sentencing Com-  
17 mission shall, with respect to each offense de-  
18 scribed in subparagraph (A)—

19 (i) increase the base offense level for  
20 the offense—

21 (I) by not less than 3 offense lev-  
22 els above the applicable level in effect  
23 on the date of enactment of this Act;  
24 or

1 (II) if the resulting base offense  
 2 level after an increase under subclause  
 3 (II) would be less than level 27, to not  
 4 less than level 27; or

5 (ii) if the offense created a substantial  
 6 risk of danger to the health and safety of  
 7 another person (including any Federal,  
 8 State, or local law enforcement officer law-  
 9 fully present at the location of the offense,  
 10 increase the base offense level for the  
 11 offense—

12 (I) by not less than 6 offense lev-  
 13 els above the applicable level in effect  
 14 on the date of enactment of this Act;  
 15 or

16 (II) if the resulting base offense  
 17 level after an increase under clause (i)  
 18 would be less than level 30, to not less  
 19 than level 30.

20 (C) EMERGENCY AUTHORITY TO SENTENC-  
 21 ING COMMISSION.—The United States Sentenc-  
 22 ing Commission shall promulgate the guidelines  
 23 or amendments provided for under this para-  
 24 graph as soon as practicable after the date of  
 25 enactment of this Act in accordance with the

1 procedure set forth in section 21(a) of the Sen-  
2 tencing Act of 1987 (Public Law 100–182), as  
3 though the authority under that Act had not  
4 expired.

5 (2) EFFECTIVE DATE.—The amendments made  
6 pursuant to this subsection shall apply with respect  
7 to any offense occurring on or after the date that  
8 is 60 days after the date of enactment of this Act.

9 (b) INCREASED RESOURCES FOR LAW ENFORCE-  
10 MENT.—There are authorized to be appropriated to the  
11 Office of National Drug Control Policy to combat the traf-  
12 ficking of methamphetamine in areas designated by the  
13 Director of National Drug Control Policy as high intensity  
14 drug trafficking areas—

15 (1) \$35,000,000 for fiscal year 2000; and

16 (2) such sums as may be necessary for each of  
17 fiscal years 2001 through 2005;

18 of which not less than \$5,000,000 shall be used in each  
19 fiscal year to provide assistance to drug analysis labora-  
20 tories in areas with a high rate of methamphetamine abuse  
21 or addiction.

22 **SEC. 4. TREATMENT OF METHAMPHETAMINE ABUSE.**

23 Section 507 of the Public Health Service Act (42  
24 U.S.C. 290bb) is amended by adding at the end the follow-  
25 ing:



1       “(d) TREATMENT OF METHAMPHETAMINE ABUSE  
2 AND ADDICTION.—

3               “(1) GRANTS.—The Director of the Center for  
4 Substance Abuse Treatment (referred to in this sec-  
5 tion as the ‘Director’) may make grants to and enter  
6 into contracts and cooperative agreements with pub-  
7 lic and nonprofit private entities for the purpose of  
8 expanding activities for the treatment of meth-  
9 amphetamine abuse and addiction as well as for the  
10 treatment of methamphetamine addicts who also  
11 abuse other illegal drugs.

12               “(2) USE OF FUNDS.—Amounts made available  
13 under a grant, contract or cooperative agreement  
14 under paragraph (1) shall be used for planning, es-  
15 tablishing, or administering methamphetamine treat-  
16 ment programs in accordance with paragraph (3).

17               “(3) TREATMENT PROGRAMS AND ACTIVI-  
18 TIES.—

19               “(A) IN GENERAL.—Amounts provided  
20 under this subsection may be used for—

21                       “(i) evidence-based programs designed  
22 to assist individuals to quit their use of  
23 methamphetamine and remain drug-free;

24                       “(ii) training in recognizing and refer-  
25 ring methamphetamine abuse and addic-

tion for health professionals, including physicians, nurses, dentists, health educators, public health professionals, and other health care providers;

“(iii) planning, administration, and educational activities related to the treatment of methamphetamine abuse and addiction;

“(iv) the monitoring and evaluation of methamphetamine treatment activities, and reporting and disseminating resulting information to health professionals and the public;

“(v) targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies; and

“(vi) coordination with the Center for Mental Health Services on the connection between methamphetamine abuse and addiction and mental illness.

“(B) PRIORITY.—The Director shall give priority in making grants under this subsection to rural and urban areas that are experiencing

1 a high rate or rapid increases in methamphet-  
2 amine abuse and addiction.

3 “(4) ANALYSES AND EVALUATION.—

4 “(A) IN GENERAL.—Not more than  
5 \$1,000,000 of the amount available in each fis-  
6 cal year to carry out this subsection shall be  
7 made available to the Director, acting in con-  
8 sultation with other Federal agencies, to sup-  
9 port and conduct periodic analyses and evalua-  
10 tions of effective treatments for methamphet-  
11 amine abuse and addiction and the development  
12 of appropriate strategies for disseminating in-  
13 formation about and implementing treatment  
14 services.

15 “(B) ANNUAL REPORT.—The Director  
16 shall submit to the Committee on Health, Edu-  
17 cation, Labor, and Pensions and Committee on  
18 Appropriations of the Senate and the Commit-  
19 tee on Commerce and Committee on Appropria-  
20 tions of the House or Representatives, an an-  
21 nual report with the results of the analyses and  
22 evaluation conducted under subparagraph (A).

23 “(5) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out  
25 paragraph (1), \$20,000,000 for fiscal year 2000,

1       and such sums as may be necessary for each suc-  
 2       ceeding fiscal year.”.

3   **SEC. 5. EXPANDING METHAMPHETAMINE RESEARCH.**

4       Section 464N of the Public Health Service Act (42  
 5   U.S.C. 285o–2) is amended by adding at the end the fol-  
 6   lowing:

7       “(c) METHAMPHETAMINE RESEARCH.—

8               “(1) GRANTS.—The Director of the Institute  
 9       may make grants to expand interdisciplinary re-  
 10      search relating to methamphetamine abuse and ad-  
 11      diction and other biomedical, behavioral and social  
 12      issues related to methamphetamine abuse and addic-  
 13      tion.

14              “(2) USE OF FUNDS.—Amounts made available  
 15      under a grant under paragraph (1) may be used to  
 16      conduct interdisciplinary research and clinical trials  
 17      with treatment centers on methamphetamine abuse  
 18      and addiction, including research on—

19                      “(A) the effects of methamphetamine  
 20                      abuse on the human body;

21                      “(B) the addictive nature of methamphet-  
 22                      amine and how such effects differ with respect  
 23                      to different individuals;

24                      “(C) the connection between methamphet-  
 25                      amine abuse and mental illness;

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

4           “(E) the identification and development of  
5           the most effective methods of treatment of  
6           methamphetamine addiction, including pharma-  
7           cological treatments;

8           “(F) risk factors for methamphetamine  
9           abuse;

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

13          “(H) cultural, social, behavioral, neuro-  
14          logical and psychological reasons that individ-  
15          uals abuse methamphetamine, or refrain from  
16          abusing methamphetamine.

17          “(3) RESEARCH RESULTS.—The Director shall  
18          promptly disseminate research results under this  
19          subsection to Federal, State and local entities in-  
20          volved in combating methamphetamine abuse and  
21          addiction.

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

1 **SEC. 6. DRUG COURTS.**

2 (a) IN GENERAL.—Title I of the Omnibus Crime  
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
4 et seq.) is amended by inserting after part U the following:

5 **“PART V—DRUG COURTS**

6 **“SEC. 2201. GRANT AUTHORITY.**

7 “The Attorney General may make grants to States,  
8 State courts, local courts, units of local government, and  
9 Indian tribal governments, acting directly or through  
10 agreements with other public or private entities, for pro-  
11 grams that involve—

12 “(1) continuing judicial supervision over offend-  
13 ers with substance abuse problems who are not vio-  
14 lent offenders; and

15 “(2) the integrated administration of other  
16 sanctions and services, which shall include—

17 “(A) mandatory periodic testing for the  
18 use of controlled substances or other addictive  
19 substances during any period of supervised re-  
20 lease or probation for each participant;

21 “(B) referral to a community-based treat-  
22 ment facility;

23 “(C) diversion, probation, or other super-  
24 vised release involving the possibility of prosecu-  
25 tion, confinement, or incarceration based on

1 noncompliance with program requirements or  
2 failure to show satisfactory progress; and

3 “(D) programmatic, offender management,  
4 and aftercare services such as relapse preven-  
5 tion, health care, education, vocational training,  
6 job placement, housing placement, and child  
7 care or other family support services for each  
8 participant who requires such services.

9 **“SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT**  
10 **OFFENDERS.**

11 “The Attorney General shall—

12 “(1) issue regulations and guidelines to ensure  
13 that the programs authorized in this part do not  
14 permit participation by violent offenders; and

15 “(2) immediately suspend funding for any grant  
16 under this part, pending compliance, if the Attorney  
17 General finds that violent offenders are participating  
18 in any program funded under this part.

19 **“SEC. 2203. DEFINITION.**

20 “In this part, the term ‘violent offender’ means a per-  
21 son who—

22 “(1) is charged with or convicted of an offense,  
23 during the course of which offense—

24 “(A) the person carried, possessed, or used  
25 a firearm or dangerous weapon;

1           “(B) there occurred the death of or serious  
2           bodily injury to any person; or

3           “(C) there occurred the use of force  
4           against the person of another,

5           without regard to whether any of the circumstances  
6           described in subparagraph (A), (B), or (C) is an ele-  
7           ment of the offense of which or for which the person  
8           is charged or convicted; or

9           “(2) has 1 or more prior convictions for a fel-  
10          ony crime of violence involving the use or attempted  
11          use of force against a person with the intent to  
12          cause death or serious bodily harm.

13   **“SEC. 2204. ADMINISTRATION.**

14          “(a) CONSULTATION.—The Attorney General shall  
15          consult with the Secretary of Health and Human Services  
16          and any other appropriate officials in carrying out this  
17          part.

18          “(b) USE OF COMPONENTS.—The Attorney General  
19          may utilize any component or components of the Depart-  
20          ment of Justice in carrying out this part.

21          “(c) REGULATORY AUTHORITY.—The Attorney Gen-  
22          eral may issue regulations and guidelines necessary to  
23          carry out this part.



1       “(d) APPLICATIONS.—In addition to any other re-  
2       quirements that may be specified by the Attorney General,  
3       an application for a grant under this part shall—

4               “(1) include a long-term strategy and detailed  
5       implementation plan;

6               “(2) explain the inability of the applicant to  
7       fund the program adequately without Federal assist-  
8       ance;

9               “(3) certify that the Federal support provided  
10      will be used to supplement, and not supplant, State,  
11      Indian tribal, and local sources of funding that  
12      would otherwise be available;

13              “(4) identify related governmental or commu-  
14      nity initiatives which complement or will be coordi-  
15      nated with the proposal;

16              “(5) certify that there has been appropriate  
17      consultation with all affected agencies and that there  
18      will be appropriate coordination with all affected  
19      agencies in the implementation of the program;

20              “(6) certify that participating offenders will be  
21      supervised by 1 or more designated judges with re-  
22      sponsibility for the drug court program;

23              “(7) specify plans for obtaining necessary sup-  
24      port and continuing the proposed program following  
25      the conclusion of Federal support; and

1           “(8) describe the methodology that will be used  
2           in evaluating the program.

3   **“SEC. 2205. APPLICATIONS.**

4           “‘In order to request a grant under this part, the chief  
5   executive or the chief justice of a State or the chief execu-  
6   tive or chief judge of a unit of local government or Indian  
7   tribal government shall submit an application to the Attor-  
8   ney General in such form and containing such information  
9   as the Attorney General may reasonably require.

10   **“SEC. 2206. FEDERAL SHARE.**

11           “(a) IN GENERAL.—The Federal share of a grant  
12   under this part may not exceed 75 percent of the total  
13   costs of the program described in the application submit-  
14   ted under section 2205 for the fiscal year for which the  
15   program receives assistance under this part, unless the At-  
16   torney General waives, wholly or in part, the requirement  
17   of a matching contribution under this section.

18           “(b) IN-KIND CONTRIBUTIONS.—In-kind contribu-  
19   tions may be used to constitute the non-Federal share of  
20   a grant under this part.

21   **“SEC. 2207. GEOGRAPHIC DISTRIBUTION.**

22           “Subject to subsection (b), the Attorney General shall  
23   ensure that, to the extent practicable, an equitable geo-  
24   graphic distribution of grant awards is made under this  
25   part.

1 **“SEC. 2208. REPORT.**

2 “A State, Indian tribal government, or unit of local  
3 government that receives a grant under this part during  
4 a fiscal year shall submit to the Attorney General a report  
5 in March of the following fiscal year regarding the use  
6 of funds under this part.

7 **“SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
8 **UATION.**

9 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The  
10 Attorney General may provide technical assistance and  
11 training in furtherance of the purposes of this part.

12 “(b) EVALUATIONS.—In addition to any evaluation  
13 requirements that may be prescribed for grantees, the At-  
14 torney General may carry out or make arrangements for  
15 evaluations of programs that receive support under this  
16 part.

17 “(c) ADMINISTRATION.—The technical assistance,  
18 training, and evaluations authorized by this section may  
19 be carried out directly by the Attorney General, in collabo-  
20 ration with the Secretary of Health and Human Services,  
21 or through grants, contracts, or other cooperative arrange-  
22 ments with other entities.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 1001(a) of title I of the Omnibus Crime Control and Safe  
25 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by  
26 inserting after paragraph (19) the following:

1       “(20) There are authorized to be appropriated to  
 2 carry out part V, such sums as may be necessary for each  
 3 of the fiscal years 2000 through 2004, of which not less  
 4 than \$10,000,000 shall be set aside for each fiscal year  
 5 for assistance to communities with disproportionately high  
 6 or increasing rates of methamphetamine abuse and addic-  
 7 tion.”.

8       **SEC. 7. NATIONAL CONFERENCE ON METHAMPHETAMINE**  
 9               **ABUSE AND TREATMENT.**

10       (a) IN GENERAL.—Not later than 1 year after the  
 11 date of enactment of this Act, the Secretary of Health and  
 12 Human Services shall convene a National Conference on  
 13 Methamphetamine Abuse and Treatment to gather, dis-  
 14 cuss and disseminate information concerning—

15               (1) the history of the methamphetamine epi-  
 16 demic in the United States;

17               (2) the progress that has been made by Fed-  
 18 eral, State and local law enforcement, prevention  
 19 and treatment authorities in combatting such epi-  
 20 demic; and

21               (3) future strategies to—

22                       (A) reduce methamphetamine abuse and  
 23 addiction in regions of the United States where  
 24 methamphetamine is an emerging or exiting  
 25 problem; and

1 (B) block efforts to introduce methamphet-  
2 amine into other regions of the United States.

3 (b) PARTICIPANTS.—The Secretary of Health and  
4 Human Services shall ensure that the participants in the  
5 conference under subsection (a) include—

6 (1) the Secretary;

7 (2) the Attorney General;

8 (3) the Director of the Office of National Drug  
9 Control Policy;

10 (4) various elected officials;

11 (5) Federal, State and local law enforcement,  
12 education, drug treatment and operation providers  
13 or organizations that represent such providers, and  
14 health research officials; and

15 (5) other individuals determined appropriate by  
16 the Secretary.

17 **SEC. 8. COMPREHENSIVE METHAMPHETAMINE REDUCTION**  
18 **STRATEGIC PLAN.**

19 Not later than 1 year after the date of enactment  
20 of this Act, the Attorney General, jointly with the Sec-  
21 retary of Education and the Director of the Office of Na-  
22 tional Drug Control Policy and the Secretary of Health  
23 and Human Services, shall develop a comprehensive stra-  
24 tegic plan to combat the methamphetamine problem in the  
25 United States. Such plan shall include activities with re-

1 spect to prevention, law enforcement, education, treat-  
2 ment, and health research targeted at methamphetamine  
3 use, abuse and addiction in the 21st century.

