

108TH CONGRESS
2D SESSION

S. 2869

To respond to the illegal production, distribution, and use of
methamphetamines in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2004

Mr. TALENT introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To respond to the illegal production, distribution, and use
of methamphetamines in the United States, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combat Meth Act of
5 2004”.

1 **TITLE I—GRANT PROGRAM FOR**
2 **COMBATING METHAMPHET-**
3 **AMINE REPEAT OFFENDERS**

4 **SEC. 101. GRANT PROGRAM FOR COMBATING METH-**
5 **AMPHETAMINE REPEAT OFFENDERS.**

6 (a) GRANT PROGRAM.—The Attorney General shall
7 carry out a program to provide grants to qualified States
8 for combating the problem of methamphetamine abuse
9 with a specific focus on the prosecution of repeat offend-
10 ers.

11 (b) QUALIFIED STATE.—For purposes of this section,
12 the term “qualified State” means a State that—

13 (1) as reported by the National Clandestine
14 Laboratory Database, had more than 200 meth-
15 amphetamine lab seizures in 2003; and

16 (2) has a law that provides that possession or
17 distribution of 5 grams or more of methamphet-
18 amine, its salts, isomers, or salts of its isomers, or
19 50 grams or more of a mixture or substance con-
20 taining a detectable amount of methamphetamine,
21 its salts, isomers, or salts of its isomers, qualifies for
22 a mandatory minimum sentence, without the possi-
23 bility of probation or parole, of 5 to 40 years for a
24 first offense, 10 years to life for a second offense,
25 and life for a third offense.

1 (c) DISTRIBUTION OF GRANT AMOUNTS.—The Attor-
 2 ney General shall distribute grants authorized under sub-
 3 section (a) to 2 States.

4 (d) ADMINISTRATION.—The Attorney General shall
 5 prescribe requirements, including application require-
 6 ments, for grants under the program under subsection (a).

7 (e) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
 9 appropriated \$10,000,000 for fiscal years 2005 and
 10 2006 to carry out this section.

11 (2) AVAILABILITY.—Amounts appropriated pur-
 12 suant to the authorization of appropriations in para-
 13 graph (1) shall remain available until expended.

14 **TITLE II—ENFORCEMENT**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS RELATING** 16 **TO COPS GRANTS.**

17 (a) IN GENERAL.—In addition to any other funds au-
 18 thorized to be appropriated for fiscal year 2005 for grants
 19 under part Q of title I of the Omnibus Crime Control and
 20 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.),
 21 known as the COPS program, there is authorized to be
 22 appropriated \$20,000,000 for such purpose to provide
 23 training to State and local prosecutors and law enforce-
 24 ment agents for the investigation and prosecution of meth-
 25 amphetamine offenses.

1 (b) RURAL SET-ASIDE.—Of amounts made available
2 pursuant to subsection (a), \$5,000,000 shall be available
3 only for prosecutors and law enforcement agents for rural
4 communities.

5 (c) DEA REIMBURSEMENT.—Of amounts made
6 available pursuant to subsection (a), \$2,000,000 shall be
7 available only to reimburse the Drug Enforcement Admin-
8 istration for existing training expenses, and shall remain
9 available until expended.

10 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS RELATING**
11 **TO THE CLANDESTINE LABORATORY TRAIN-**
12 **ING.**

13 In addition to any other funds authorized to be ap-
14 propriated for fiscal year 2005 for the facilities and per-
15 sonnel used to operate the Clandestine Laboratory Train-
16 ing Facility of the Drug Enforcement Administration, lo-
17 cated in Quantico, Virginia, there is authorized to be ap-
18 propriated \$10,000,000 for such purpose (but to include
19 not more than 20 additional full-time positions) to provide
20 training to law enforcement personnel of all the States,
21 the District of Columbia, the Commonwealth of Puerto
22 Rico, and the territories and possessions of the United
23 States.

1 **SEC. 203. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
2 **PROGRAM TO INCLUDE PERSONNEL AND**
3 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
4 **TION, AND CLEANUP.**

5 Section 1701(d) of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amend-
7 ed—

8 (1) in paragraph (11) by striking “and” at the
9 end;

10 (2) in paragraph (12) by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(13) hire personnel and purchase equipment to
14 assist in the enforcement and prosecution of meth-
15 amphetamine offenses and the cleanup of meth-
16 amphetamine-affected areas.”.

17 **SEC. 204. SPECIAL UNITED STATES ATTORNEY’S PROGRAM.**

18 (a) IN GENERAL.—The Attorney General shall allo-
19 cate any amounts appropriated pursuant to the authoriza-
20 tion under subsection (a) for the hiring and training of
21 special assistant United States attorneys.

22 (b) USE OF FUNDS.—The funds allocated under sub-
23 section (a) shall be used to—

24 (1) train local prosecutors in techniques used to
25 prosecute methamphetamine cases, including the

1 presentation of evidence related to the manufacture
2 of methamphetamine;

3 (2) train local prosecutors in Federal and State
4 laws involving methamphetamine manufacture or
5 distribution;

6 (3) cross-designate local prosecutors as special
7 assistant United States attorneys; and

8 (4) hire additional local prosecutors who—

9 (A) with the approval of the United States
10 attorney, shall be cross-designated to prosecute
11 both Federal and State methamphetamine
12 cases;

13 (B) shall be assigned a caseload, whether
14 in State court or Federal court, that gives the
15 highest priority to cases in which—

16 (i) charges related to methamphet-
17 amine manufacture or distribution are sub-
18 mitted by law enforcement for consider-
19 ation; and

20 (ii) the defendant has been previously
21 convicted of a crime related to meth-
22 amphetamine manufacture or distribution.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated \$5,000,000 for fiscal

1 years 2005 and 2006 to carry out the provisions of this
 2 section.

3 **TITLE III—EDUCATION,**
 4 **PREVENTION, AND TREATMENT**

5 **SEC. 301. GRANTS FOR SERVICES FOR CHILDREN OF SUB-**
 6 **STANCE ABUSERS.**

7 Section 519 of the Public Health Service Act (42
 8 U.S.C. 290bb–25) is amended—

9 (1) in subsection (b), by inserting after para-
 10 graph (8) the following:

11 “(9) Development of drug endangered children
 12 rapid response teams that will intervene on behalf of
 13 children exposed to methamphetamine as a result of
 14 residing or being present in a home-based clandes-
 15 tine drug laboratory.”; and

16 (2) in subsection (o)—

17 (A) by striking “For the purpose” and in-
 18 serting the following:

19 “(1) IN GENERAL.—For the purpose”; and

20 (B) by adding at the end the following:

21 “(2) DRUG ENDANGERED CHILDREN RAPID RE-
 22 SPONSE TEAMS.—There are authorized to be appro-
 23 priated \$1,000,000 for fiscal years 2005 and 2006
 24 to carry out the provisions of subsection (b)(9).”.

1 **SEC. 302. LOCAL GRANTS FOR TREATMENT OF METH-**
 2 **AMPHETAMINE ABUSE AND RELATED CONDI-**
 3 **TIONS.**

4 Subpart 1 of part B of title V of the Public Health
 5 Service Act (42 U.S.C. 290bb et seq.) is amended—

6 (1) by redesignating the section 514 that re-
 7 lates to methamphetamine and appears after section
 8 514A as section 514B; and

9 (2) by inserting after section 514B (as so re-
 10 designated) the following section:

11 “LOCAL GRANTS FOR TREATMENT OF
 12 METHAMPHETAMINE ABUSE AND RELATED CONDITIONS.

13 “SEC. 514C. The Secretary may make grants to po-
 14 litical subdivisions of States and to nonprofit private enti-
 15 ties for the purpose of providing treatment for meth-
 16 amphetamine abuse.”.

17 **SEC. 303. METHAMPHETAMINE PRECURSOR MONITORING**
 18 **GRANTS.**

19 (a) GRANTS AUTHORIZED.—The Attorney General,
 20 acting through the Bureau of Justice Assistance, may
 21 award grants to States to establish methamphetamine pre-
 22 cursor monitoring programs.

23 (b) PURPOSE.—The purpose of the grant program es-
 24 tablished under this section is to—

25 (1) prevent the sale of methamphetamine pre-
 26 cursors, such as pseudoephedrine, to individuals in

1 quantities so large that the only reasonable purpose
2 of the purchase would be to manufacture meth-
3 amphetamine;

4 (2) educate businesses that legally sell meth-
5 amphetamine precursors of the need to balance the
6 legitimate need for lawful access to medication with
7 the risk that those substances may be used to manu-
8 facture methamphetamine; and

9 (3) recalibrate existing prescription drug moni-
10 toring programs designed to track the sale of con-
11 trolled substances to also track the sale of
12 pseudoephedrine in any amount greater than 6
13 grams.

14 (c) USE OF GRANT FUNDS.—Grant funds awarded
15 to States under this section may be used to—

16 (1) implement a methamphetamine precursor
17 monitoring program, including hiring personnel and
18 purchasing computer hardware and software de-
19 signed to monitor methamphetamine precursor pur-
20 chases;

21 (2) expand existing methamphetamine pre-
22 cursor or prescription drug monitoring programs to
23 accomplish the purposes described in subsection (b);

24 (3) pay for training and technical assistance for
25 law enforcement personnel and employees of busi-

1 nesses that lawfully sell substances, which may be
2 used as methamphetamine precursors;

3 (4) improve information sharing between adja-
4 cent States through enhanced connectivity; or

5 (5) make grants to subdivisions of the State to
6 implement methamphetamine precursor monitoring
7 programs.

8 (d) APPLICATION.—Any State desiring a grant under
9 this section shall submit an application to the Attorney
10 General at such time, in such manner, and containing
11 such information as the Attorney General may require.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$1,000,000 for the fis-
14 cal years 2005 and 2006, to be used to carry out the provi-
15 sions of this section.

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