

109TH CONGRESS
1ST SESSION

H. R. 13

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. KENNEDY of Minnesota (for himself, Mr. NUNES, Mr. GRAVES, Mr. CALVERT, Mr. RADANOVICH, Ms. JACKSON-LEE of Texas, Mr. LATOURETTE, Mr. INSLEE, Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. EHLERS, Mr. HERGER, Mr. SHIMKUS, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. CARDOZA, Mr. BLUMENAUER, Mr. TOWNS, Mr. BAIRD, Mr. SULLIVAN, Mrs. JO ANN DAVIS of Virginia, Mr. WALDEN of Oregon, Mr. HOLDEN, Mr. COX, and Mr. ROGERS of Alabama) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Clean, Learn, Educate, Abolish, Neutralize, and Under-
 4 mine Production (CLEAN-UP) of Methamphetamines
 5 Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENVIRONMENTAL PROTECTION

Sec. 101. Response to environmental hazards associated with illegal manufac-
 ture of methamphetamine on Department of Agriculture and
 Department of the Interior lands.

Sec. 102. Grant program to assist State and local government and private re-
 sponse to environmental hazards associated with illegal manu-
 facture of methamphetamine on agricultural lands.

Sec. 103. Designation of by-products of methamphetamine laboratories as haz-
 ardous materials and waste under Hazardous Materials Trans-
 portation Act and Solid Waste Disposal Act.

Sec. 104. Grant program to assist law enforcement agencies in the safe identi-
 fication, cleanup, and disposal of methamphetamine labora-
 tories.

Sec. 105. Grant program to assist law enforcement agencies in meeting the
 costs of complying with Federal laws relating to methamphet-
 amine laboratory cleanup and disposal.

Sec. 106. Study of environmental impact.

TITLE II—EDUCATION, PREVENTION, AND TREATMENT

Sec. 201. Study regarding health effects of exposure to process of unlawful
 manufacture of methamphetamine.

Sec. 202. Grants for educational programs on prevention and treatment of
 methamphetamine abuse.

Sec. 203. Local grants for treatment of methamphetamine abuse and related
 conditions.

TITLE III—ENFORCEMENT

Sec. 301. Authorization of appropriations relating to methamphetamine labora-
 tory seizure statistics.

Sec. 302. Authorization of appropriations relating to COPS grants.

Sec. 303. Expansion of methamphetamine Hot Spots program to include per-
 sonnel and equipment for enforcement, prosecution, and envi-
 ronmental cleanup.

Sec. 304. Authorization of appropriations relating to the clandestine laboratory
 training.

Sec. 305. Statement of Congress regarding availability and illegal importation
 of pseudoephedrine from Canada.

1 **TITLE I—ENVIRONMENTAL**
2 **PROTECTION**

3 **SEC. 101. RESPONSE TO ENVIRONMENTAL HAZARDS ASSO-**
4 **CIATED WITH ILLEGAL MANUFACTURE OF**
5 **METHAMPHETAMINE ON DEPARTMENT OF**
6 **AGRICULTURE AND DEPARTMENT OF THE IN-**
7 **TERIOR LANDS.**

8 (a) RESPONSE ACTIVITIES.—The Secretary of Agri-
9 culture and the Secretary of the Interior may carry out
10 programs for the environmental clean up and remediation
11 of National Forest System lands and other lands under
12 the jurisdiction of the Department of Agriculture and Na-
13 tional Park System lands and other lands under the juris-
14 diction of the Department of the Interior that are con-
15 taminated with any hazardous substance or pollutant as-
16 sociated with the illegal manufacture of methamphet-
17 amine.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$15,000,000 to carry out
20 the programs authorized in subsection (a).

1 **SEC. 102. GRANT PROGRAM TO ASSIST STATE AND LOCAL**
2 **GOVERNMENT AND PRIVATE RESPONSE TO**
3 **ENVIRONMENTAL HAZARDS ASSOCIATED**
4 **WITH ILLEGAL MANUFACTURE OF METH-**
5 **AMPHETAMINE ON AGRICULTURAL LANDS.**

6 (a) GRANTS AUTHORIZED.—The Secretary of Agri-
7 culture may make grants to State and local governments
8 and to private persons to assist the efforts of State and
9 local governments and private persons to clean up and re-
10 mediate agricultural lands that are contaminated with any
11 hazardous substance or pollutant associated with the ille-
12 gal manufacture of methamphetamine. No grant may be
13 made under this subsection to any person who is respon-
14 sible for the contamination.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary of Agri-
17 culture \$15,000,000 to make grants under subsection (a).

18 **SEC. 103. DESIGNATION OF BY-PRODUCTS OF METH-**
19 **AMPHETAMINE LABORATORIES AS HAZ-**
20 **ARDOUS MATERIALS AND WASTE UNDER**
21 **HAZARDOUS MATERIALS TRANSPORTATION**
22 **ACT AND SOLID WASTE DISPOSAL ACT.**

23 (a) HAZARDOUS MATERIALS TRANSPORTATION
24 ACT.—The Secretary of Transportation shall utilize the
25 authority provided by section 5103 of title 49, United
26 States Code, to designate certain by-products of the meth-

1 amphetamine production process as hazardous materials
2 for purposes of chapter 51 of such title to protect the envi-
3 ronment from the environmental harm caused by certain
4 by-products of illegal methamphetamine laboratories and
5 to expand the civil and criminal penalties available against
6 persons who operate such laboratories.

7 (b) SOLID WASTE DISPOSAL ACT.—The Adminis-
8 trator of the Environmental Protection Agency shall uti-
9 lize the authority provided by section 3001 of the Solid
10 Waste Disposal Act (42 U.S.C. 6921) to designate certain
11 by-products of the methamphetamine production process
12 as hazardous waste for purposes of such Act (42 U.S.C.
13 6901 et seq.) to protect the environment from the environ-
14 mental harm caused by certain by-products of illegal
15 methamphetamine laboratories and to expand the civil and
16 criminal penalties available against persons who operate
17 such laboratories.

18 (c) COVERED MATERIALS.—Not later than 13
19 months after the date of the enactment of this Act, the
20 Administrator of the Drug Enforcement Administration
21 shall submit to the Secretary of Transportation and the
22 Administrator of the Environmental Protection Agency a
23 list of those by-products of the methamphetamine produc-
24 tion process that, in the event of improper disposal and
25 inadequate remediation, are likely to cause long-term

1 harm to the environment. The Administrator of the Drug
2 Enforcement Administration shall take into consideration
3 the report required by section 106 in preparing the initial
4 list and shall revise the list annually thereafter as nec-
5 essary to reflect changes in the methamphetamine produc-
6 tion process.

7 (d) TIME FOR DESIGNATION.—The designations re-
8 quired by subsections (a) and (b) shall be completed not
9 later than 18 months after the date of the enactment of
10 this Act. If the Administrator of the Drug Enforcement
11 Administration revises the list referred to in subsection
12 (c), the Secretary of Transportation and the Adminis-
13 trator of the Environmental Protection Agency shall com-
14 plete additional designations to reflect the revisions made
15 to the list not later than 18 months after the date of the
16 submission of the revised list.

17 **SEC. 104. GRANT PROGRAM TO ASSIST LAW ENFORCEMENT**
18 **AGENCIES IN THE SAFE IDENTIFICATION,**
19 **CLEANUP, AND DISPOSAL OF METHAMPHET-**
20 **AMINE LABORATORIES.**

21 (a) GRANTS AUTHORIZED.—The Secretary of Labor,
22 acting through the Occupational Safety and Health Ad-
23 ministration, shall provide grants to State and local law
24 enforcement agencies to be used for—

1 (1) the provision of training in safe procedures
2 for identifying, cleaning up, and disposing of meth-
3 amphetamine laboratories, and

4 (2) the acquisition of equipment for the safe
5 identification, cleanup, and disposal of methamphet-
6 amine laboratories.

7 (b) INCLUDED ACTIVITIES.—Grant funds provided
8 under subsection (a) may be used to cover costs associated
9 with training and acquisition described in such subsection
10 that is provided by public agencies or private organiza-
11 tions.

12 (c) RULEMAKING.—The Secretary of Labor may pre-
13 scribe rules to carry out this section.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$20,000,000 for fiscal year 2006.

17 **SEC. 105. GRANT PROGRAM TO ASSIST LAW ENFORCEMENT**
18 **AGENCIES IN MEETING THE COSTS OF COM-**
19 **PLYING WITH FEDERAL LAWS RELATING TO**
20 **METHAMPHETAMINE LABORATORY CLEANUP**
21 **AND DISPOSAL.**

22 (a) GRANTS AUTHORIZED.—The Secretary of Labor
23 shall provide grants to State and local law enforcement
24 agencies to assist such agencies in meeting the costs of

1 complying with Federal laws regarding the cleanup and
2 disposal of methamphetamine laboratories.

3 (b) RULEMAKING.—The Secretary of Labor may pre-
4 scribe rules to carry out this section.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$10,000,000 for fiscal year 2006.

8 **SEC. 106. STUDY OF ENVIRONMENTAL IMPACT.**

9 (a) STUDY REQUIRED.—Not later than one year
10 after the date of the enactment of this Act, the Adminis-
11 trator of the Environmental Protection Agency shall sub-
12 mit to Congress a study of the impact of the operation
13 of laboratories for the manufacture of methamphetamines
14 on the environment, including the impact on agriculture.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Administrator of
17 the Environmental Protection Agency \$1,000,000 for fis-
18 cal year 2006 to conduct the study required by subsection
19 (a).

1 **TITLE II—EDUCATION,**
2 **PREVENTION, AND TREATMENT**

3 **SEC. 201. STUDY REGARDING HEALTH EFFECTS OF EXPO-**
4 **SURE TO PROCESS OF UNLAWFUL MANUFAC-**
5 **TURE OF METHAMPHETAMINE.**

6 (a) IN GENERAL.—With respect to the unlawful man-
7 ufacturing of methamphetamine, the Secretary of Health
8 and Human Services shall conduct a study for the purpose
9 of determining—

10 (1) to what extent food, water, air, soil, equip-
11 ment, or other matter becomes contaminated with
12 methamphetamine or other harmful substances as a
13 result of the proximity of the matter to the process
14 of such manufacturing; and

15 (2) whether any adverse health conditions result
16 from the exposure of individuals to such process or
17 to contaminated matter within the meaning of para-
18 graph (1).

19 (b) REPORT TO CONGRESS.—Not later than one year
20 after the date of the enactment of this Act, the Secretary
21 of Health and Human Services shall complete the study
22 under subsection (a) and submit to the Congress a report
23 describing the findings of the study.

1 **SEC. 202. GRANTS FOR EDUCATIONAL PROGRAMS ON PRE-**
2 **VENTION AND TREATMENT OF METH-**
3 **AMPHETAMINE ABUSE.**

4 Part A of title IV of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7101 et seq.) is amend-
6 ed—

7 (1) in section 4003—

8 (A) at the end of paragraph (1), by strik-
9 ing “and”;

10 (B) at the end of paragraph (2), by strik-
11 ing the period and inserting “; and”; and

12 (C) at the end of the section, by adding
13 the following:

14 “(3) \$20,000,000 for fiscal year 2006, for
15 grants under subpart 4.”;

16 (2) by redesignating subpart 4 as subpart 5;
17 and

18 (3) by inserting after subpart 3 the following:

19 **“Subpart 4—Education on Prevention and Treatment**
20 **of Methamphetamine Abuse**

21 **“SEC. 4146. GRANT PROGRAM.**

22 “(a) GRANTS.—From funds made available to carry
23 out this subpart under section 4003(3), the Secretary may
24 make grants on a competitive basis to State agencies, local
25 educational agencies, and nonprofit organizations to carry

1 out programs to educate students on prevention and treat-
2 ment of methamphetamine abuse.

3 “(b) APPLICATIONS.—To receive a grant under this
4 section, an applicant shall submit an application to the
5 Secretary at such time, in such manner, and containing
6 such information as the Secretary may require.”.

7 **SEC. 203. LOCAL GRANTS FOR TREATMENT OF METH-**
8 **AMPHETAMINE ABUSE AND RELATED CONDI-**
9 **TIONS.**

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

12 (1) by redesignating the section 514 that re-
13 lates to methamphetamine and appears after section
14 514A as section 514B; and

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

17 **“SEC. 514C. LOCAL GRANTS FOR TREATMENT OF METH-**
18 **AMPHETAMINE ABUSE AND RELATED CONDI-**
19 **TIONS.**

20 “(a) IN GENERAL.—The Secretary may make grants
21 to political subdivisions of States and to nonprofit private
22 entities for the purpose of providing treatment for meth-
23 amphetamine abuse, subject to subsection (b).

24 “(b) CERTAIN SERVICES FOR CHILDREN.—In addi-
25 tion to the purpose described in subsection (a), a grant

1 under such subsection may be expended to treat children
2 for any adverse health condition resulting from a quali-
3 fying methamphetamine-related exposure.

4 “(c) DEFINITIONS.—For purposes of this section:

5 “(1) The term ‘children’ means individuals who
6 are under the age of 18.

7 “(2)(A) The term ‘qualifying methamphet-
8 amine-related exposure’, with respect to children,
9 means exposure to methamphetamine or other harm-
10 ful substances as a result of the proximity of the
11 children to the process of manufacturing meth-
12 amphetamine or the proximity of the children to as-
13 sociated contaminated matter.

14 “(B) The term ‘associated contaminated mat-
15 ter’, with respect to the process of manufacturing
16 methamphetamine, means food, water, air, soil,
17 equipment, or other matter that is contaminated
18 with methamphetamine or other harmful substances
19 as a result of the proximity of the matter to such
20 process.

21 “(d) FUNDING.—

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—
23 For the purpose of carrying out this section, there
24 is authorized to be appropriated \$10,000,000 for fis-
25 cal year 2006.

1 “(2) ALLOCATION FOR CHILDREN.—Of the
2 amount appropriated under paragraph (1) for a fis-
3 cal year, not less than \$2,500,000 shall be reserved
4 for carrying out this section with respect to chil-
5 dren.”.

6 **TITLE III—ENFORCEMENT**

7 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS RELATING** 8 **TO METHAMPHETAMINE LABORATORY SEI-** 9 **ZURE STATISTICS.**

10 In addition to any other funds authorized to be ap-
11 propriated for fiscal year 2006 for the collection, aggrega-
12 tion, and dissemination of methamphetamine laboratory
13 seizure statistics by the El Paso Intelligence Center
14 (EPIC) of the Department of Justice, there is authorized
15 to be appropriated \$2,000,000 for such purpose.

16 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS RELATING** 17 **TO COPS GRANTS.**

18 (a) IN GENERAL.—In addition to any other funds au-
19 thorized to be appropriated for fiscal year 2006 for grants
20 under part Q of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.),
22 known as the COPS program, there is authorized to be
23 appropriated \$20,000,000 for such purpose to provide
24 training to State and local prosecutors and law enforce-

1 ment agents for prosecution of methamphetamine of-
2 fenses.

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

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

11 **SEC. 303. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
12 **PROGRAM TO INCLUDE PERSONNEL AND**
13 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
14 **TION, AND ENVIRONMENTAL CLEANUP.**

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

18 (1) in paragraph (11) by striking “and” at the
19 end;

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

22 (3) by adding at the end the following new
23 paragraph:

24 “(13) hire personnel and purchase equipment to
25 assist in the enforcement and prosecution of meth-

1 amphetamine offenses and the environmental clean-
2 up of methamphetamine-affected areas.”.

3 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS RELATING**
4 **TO THE CLANDESTINE LABORATORY TRAIN-**
5 **ING.**

6 In addition to any other funds authorized to be ap-
7 propriated for fiscal year 2006 for the facilities and per-
8 sonnel used to operate the Clandestine Laboratory Train-
9 ing Facility of the Drug Enforcement Administration, lo-
10 cated in Quantico, Virginia, there is authorized to be ap-
11 propriated \$10,000,000 for such purpose (but to include
12 not more than 20 additional fulltime positions) to provide
13 training to law enforcement personnel of all the States,
14 the District of Columbia, the Commonwealth of Puerto
15 Rico, and the territories and possessions of the United
16 States.

17 **SEC. 305. STATEMENT OF CONGRESS REGARDING AVAIL-**
18 **ABILITY AND ILLEGAL IMPORTATION OF**
19 **PSEUDOEPHEDRINE FROM CANADA.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) pseudoephedrine is one of the basic pre-
22 cursor chemicals used in the manufacture of the
23 dangerous narcotic methamphetamine;

24 (2) the Federal Government, working in co-
25 operation with narcotics agents of State and local

1 governments and the private sector, has tightened
2 the control of pseudoephedrine in the United States
3 in recent years;

4 (3) pseudoephedrine can only be purchased in
5 the United States in small quantity bottles or blister
6 packs; however, the widespread presence of large
7 containers of pseudoephedrine from Canada at meth-
8 amphetamine laboratories and dumpsites in the
9 United States, despite efforts of law enforcement
10 agencies to stem the flow of these containers into
11 the United States, demonstrates the strength of the
12 demand for, and the inherent difficulties in stem-
13 ming the flow of, these containers from neighboring
14 Canada; and

15 (4) Canada lacks a comprehensive legislative
16 framework for addressing the pseudoephedrine traf-
17 ficking problem.

18 (b) CALL FOR ACTION BY CANADA.—The Congress
19 strongly urges the President to seek commitments from
20 the Government of Canada to begin immediately to take
21 effective measures to stem the widespread and increasing
22 availability in Canada and the illegal importation into the
23 United States of pseudoephedrine.

○