

109TH CONGRESS
1ST SESSION

S. 430

To arrest methamphetamine abuse in the United States.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2005

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

A BILL

To arrest methamphetamine abuse in the United States.

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 “Arrest Methamphet-
5 amine Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Methamphetamine (meth) is an extremely
9 dangerous and highly addictive drug.

10 (2) Methamphetamine use contributes to the
11 perpetration of violent crimes, particularly burglary,

1 child abuse, and crimes of substantial cost and per-
2 sonal pain to the victims, including identity theft.

3 (3) Methamphetamine labs produce hazardous
4 conditions because of their use of chemicals such as
5 anhydrous ammonia, ether, sulfuric acid, and other
6 toxins which are volatile, corrosive and poisonous.
7 When these substances are illegally disposed of in
8 rivers, streams, and other dump areas, explosions
9 and serious environmental damage can and does re-
10 sult.

11 (4) Since 2001, Federal funding has been pro-
12 vided through the Department of Justice COPS and
13 Byrne Grant programs to address methamphetamine
14 enforcement and clean up. Since 2002, although the
15 methamphetamine problem has been growing and
16 spreading across the United States, COPS funding
17 has been cut each successive year, from \$70,500,000
18 in 2002, to under \$52,000,000 in 2005.

19 (5) As methamphetamine has impacted more
20 States each year, the dwindling Federal funds have
21 been parsed into smaller amounts. Each State de-
22 serves greater Federal support and a permanent
23 funding mechanism to confront the challenging prob-
24 lem of methamphetamine abuse.

1 (6) Permanent Federal funding support for
 2 meth enforcement and clean-up is critical to the ef-
 3 forts of State and local law enforcement to reduce
 4 the use, manufacture, and sale of methamphetamine,
 5 and thus, reduce the crime rate.

6 (7) It is necessary for the Federal Government
 7 to establish a long-term commitment to confronting
 8 methamphetamine use, sale, and manufacture by
 9 creating a permanent funding mechanism to assist
 10 States.

11 **SEC. 3. CONFRONTING THE USE OF METHAMPHETAMINE.**

12 Title I of the Omnibus Crime Control and Safe
 13 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
 14 by adding at the end the following:

15 **“PART HH—CONFRONTING USE OF**
 16 **METHAMPHETAMINE**
 17 **“SEC. 2991. AUTHORITY TO MAKE GRANTS TO ADDRESS**
 18 **PUBLIC SAFETY AND METHAMPHETAMINE**
 19 **MANUFACTURING, SALE, AND USE.**

20 “(a) PURPOSE AND PROGRAM AUTHORITY.—

21 “(1) PURPOSE.—It is the purpose of this part
 22 to assist States—

23 “(A) to carry out programs to address the
 24 manufacture, sale, and use of methamphet-
 25 amine drugs; and

1 “(B) to improve the ability of State and
2 local government institutions of to carry out
3 such programs.

4 “(2) GRANT AUTHORIZATION.—The Attorney
5 General, through the Bureau of Justice Assistance
6 in the Office of Justice Programs may make grants
7 to States to address the manufacture, sale, and use
8 of methamphetamine to enhance public safety.

9 “(3) GRANT PROJECTS TO ADDRESS METH-
10 AMPHETAMINE MANUFACTURE SALE AND USE.—
11 Grants made under subsection (a) may be used for
12 programs, projects, and other activities to—

13 “(A) arrest individuals violating laws re-
14 lated to the use, manufacture, or sale of meth-
15 amphetamine;

16 “(B) undertake methamphetamine clandes-
17 tine lab seizures and environmental clean up;

18 “(C) provide for community-based edu-
19 cation, awareness, and prevention;

20 “(D) provide child support and family
21 services related to assist users of methamphet-
22 amine and their families;

23 “(E) facilitate intervention in methamphet-
24 amine use;

1 “(F) facilitate treatment for methamphet-
2 amine addiction;

3 “(G) provide Drug Court and Family Drug
4 Court services to address methamphetamine;

5 “(H) provide community policing to ad-
6 dress the problem of methamphetamine use;

7 “(I) support State and local health depart-
8 ment and environmental agency services de-
9 ployed to address methamphetamine;

10 “(J) prosecute violations of laws related to
11 the use, manufacture, or sale of methamphet-
12 amine; and

13 “(K) procure equipment, technology, or
14 support systems, or pay for resources, if the ap-
15 plicant for such a grant demonstrates to the
16 satisfaction of the Attorney General that ex-
17 penditures for such purposes would result in
18 the reduction in the use, sale, and manufacture
19 of methamphetamine.

20 “(b) ELIGIBILITY.—To be eligible to receive a grant
21 under this part, a State shall submit to the Attorney Gen-
22 eral assurances that the State has implemented, or will
23 implement prior to receipt of a grant under this section
24 laws, policies, and programs that restrict the wholesale

1 and limit sale of products used as precursors in the manu-
2 facture of methamphetamine.

3 **“SEC. 2992. APPLICATIONS.**

4 “(a) IN GENERAL.—No grant may be made under
5 this part unless an application has been submitted to, and
6 approved by, the Attorney General.

7 “(b) APPLICATION.—An application for a grant
8 under this part shall be submitted in such form, and con-
9 tain such information, as the Attorney General may pre-
10 scribe by regulation or guidelines.

11 “(c) CONTENTS.—In accordance with the regulations
12 or guidelines established by the Attorney General, each ap-
13 plication for a grant under this part shall—

14 “(1) include a long-term statewide strategy
15 that—

16 “(A) reflects consultation with appropriate
17 public and private agencies, tribal governments,
18 and community groups;

19 “(B) represents an integrated approach to
20 addressing the use, manufacture, and sale of
21 methamphetamine that includes—

22 “(i) arrest and clandestine lab seizure;

23 “(ii) training for law enforcement, fire
24 and other relevant emergency services,

1 health care providers, and child and family
 2 service providers;
 3 “(iii) intervention;
 4 “(iv) child and family services;
 5 “(v) treatment;
 6 “(vi) drug court;
 7 “(vii) family drug court;
 8 “(viii) health department support;
 9 “(ix) environmental agency support;
 10 “(x) prosecution; and
 11 “(xi) evaluation of the effectiveness of
 12 the program and description of the efficacy
 13 of components of the program for the pur-
 14 pose of establishing best practices that can
 15 be widely replicated by other States; and
 16 “(C) where appropriate, incorporate Indian
 17 Tribal participation to the extent that an In-
 18 dian Tribe is impacted by the use, manufacture,
 19 or sale of methamphetamine;
 20 “(2) identify related governmental and commu-
 21 nity initiatives which complement or will be coordi-
 22 nated with the proposal;
 23 “(3) certify that there has been appropriate co-
 24 ordination with all affected State and local govern-
 25 ment institutions and that the State has involved

1 counties and other units of local government, when
2 appropriate, in the development, expansion, modi-
3 fication, operation or improvement of programs to
4 address the use, manufacture, or sale of meth-
5 amphetamine;

6 “(4) certify that the State will share funds re-
7 ceived under this part with counties and other units
8 of local government, taking into account the burden
9 placed on these units of government when they are
10 required to address the use, manufacture, or sale of
11 methamphetamine;

12 “(5) assess the impact, if any, of the increase
13 in police resources on other components of the crimi-
14 nal justice system;

15 “(6) explain how the grant will be utilized to
16 enhance government response to the use, manufac-
17 ture, and sale of methamphetamine;

18 “(7) demonstrate a specific public safety need;

19 “(8) explain the applicant’s inability to address
20 the need without Federal assistance;

21 “(9) specify plans for obtaining necessary sup-
22 port and continuing the proposed program, project,
23 or activity following the conclusion of Federal sup-
24 port; and

1 “(10) certify that funds received under this
 2 part will be used to supplement, not supplant, other
 3 Federal, State, and local funds.

4 **“SEC. 2993. PLANNING GRANTS.**

5 “(a) ELIGIBLE ENTITY.—The Attorney General
 6 through the Bureau of Justice Assistance in the Office
 7 of Justice Programs, may make grants under this section
 8 to States, Indian tribal governments, and multi-jurisdic-
 9 tional or regional consortia thereof to develop a com-
 10 prehensive, cooperative strategy to address the manufac-
 11 ture, sale, and use of methamphetamine to enhance public
 12 safety.

13 “(b) AUTHORIZATION.—The Attorney General is au-
 14 thorized to provide grants under this section not exceeding
 15 \$100,000 per eligible entity for such entity to—

16 “(1) define the problem of the use, manufac-
 17 ture, or sale of methamphetamine within the juris-
 18 diction of the entity;

19 “(2) describe the public and private organiza-
 20 tion to be involved in addressing methamphetamine
 21 use, manufacture, or sale; and

22 “(3) describe the manner in which these organi-
 23 zations will participate in a comprehensive, coopera-
 24 tive, and integrated plan to address the use, manu-
 25 facture, or sale of methamphetamine.

1 **“SEC. 2994. ENFORCEMENT GRANTS.**

2 “Of the total amount appropriated for this part in
3 any fiscal year, the amount remaining after setting aside
4 the amount to be reserved to carry out section 2993 shall
5 be allocated to States as follows:

6 “(1) 0.25 percent or \$250,000, whichever is
7 greater, shall be allocated to each of the States.

8 “(2) Of the total funds remaining after the allo-
9 cation under paragraph (1), there shall be allocated
10 to each State an amount which bears the same ratio
11 to the amount of remaining funds described in this
12 paragraph as the population of such State bears to
13 the population of all the States.

14 **“SEC. 2995. NATIONAL ACTIVITIES.**

15 “The Attorney General is authorized—

16 “(1) to collect systematic data on the effective-
17 ness of the programs assisted under this part in re-
18 ducing the use, manufacture, and sale of meth-
19 amphetamine;

20 “(2) to establish a national clearinghouse of in-
21 formation on effective programs to address the use,
22 manufacture, and sale of methamphetamine that
23 shall disseminate to State and local agencies describ-
24 ing—

1 “(A) the results of research on efforts to
2 reduce the use, manufacture, and sale of meth-
3 amphetamine; and

4 “(B) information on effective programs,
5 best practices and Federal resources to—

6 “(i) reduce the use, manufacture, and
7 sale of methamphetamine; and

8 “(ii) address the physical, social, and
9 family problems that result from the use of
10 methamphetamine through the activities of
11 intervention, treatment, drug courts, and
12 family drug courts;

13 “(3) to establish a program within the Depart-
14 ment of Justice to facilitate the sharing of knowl-
15 edge in best practices among States addressing the
16 use, manufacture and sale of methamphetamine
17 through State-to-State mentoring, or other means;
18 and

19 “(4) to provide technical assistance to State
20 agencies and local agencies implementing programs
21 and securing resources to implement effective pro-
22 grams to reduce the use, manufacture, and sale of
23 methamphetamine.

1 **“SEC. 2996. FUNDING.**

2 “(a) GRANTS FOR THE PURPOSE OF CONFRONTING
3 THE USE OF METHAMPHETAMINE.—There are authorized
4 to be appropriated to carry out this part—

5 “(1) \$100,000,000 for each fiscal year 2006
6 and 2007; and

7 “(2) \$200,000,000 for each fiscal year 2008,
8 2009, and 2010.

9 “(b) NATIONAL ACTIVITIES.—For the purposes of
10 section 2995, there are authorized to be appropriated such
11 sums as are necessary.”.

12 **SEC. 4. STATEMENT OF CONGRESS REGARDING AVAIL-**
13 **ABILITY AND ILLEGAL IMPORTATION OF**
14 **PSEUDOEPHEDRINE FROM CANADA.**

15 (a) FINDINGS.—Congress finds that—

16 (1) pseudoephedrine is a particularly abused
17 basic precursor chemical used in the manufacture of
18 the dangerous narcotic methamphetamine;

19 (2) the Federal Government, working in co-
20 operation with narcotics agents of State and local
21 governments and the private sector, has tightened
22 the control of pseudoephedrine in the United States
23 in recent years;

24 (3) in many States, pseudoephedrine can only
25 be purchased in small quantity bottles or blister
26 packs, and laws throughout various States are

1 gradually becoming tougher, reflecting the increasing
2 severity of America's methamphetamine problem;
3 however, the widespread presence of large containers
4 of pseudoephedrine from Canada at methamphet-
5 amine laboratories and dumpsites in the United
6 States, despite efforts of law enforcement agencies
7 to stem the flow of these containers into the United
8 States, demonstrates the strength of the demand
9 for, and the inherent difficulties in stemming the
10 flow of, these containers from neighboring Canada;
11 and

12 (4) Canada lacks a comprehensive legislative
13 framework for addressing the pseudoephedrine traf-
14 ficking problem.

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

○