

The Managers deleted language in paragraph (b)(1)(B) determining that property accepted under this section shall be considered a gift to the United States for federal tax purposes because the Managers determined that the language merely repeated current law.

Section 12—House recedes to Senate amendment with modifications. This section consolidates federal court jurisdiction for procurement protest cases in the Court of Federal Claims. Previously, in addition to the jurisdiction exercised by the Court of Federal Claims, certain procurement protest cases were subject to review in the federal district courts. The grant of exclusive federal court jurisdiction to the Court of Federal Claims does not affect in any way the authority of the Comptroller General to review procurement protests pursuant to Chapter 35 of Title 31, U.S.C. Code.

This section also applies the Administrative Procedure Act standard of review previously applied by the district courts (5 U.S.C. sec. 706) to all procurement protest cases in the Court of Federal Claims. It is the intention of the Managers to give the Court of Federal Claims exclusive jurisdiction over the full range of procurement protest cases previously subject to review in the federal district courts and the Court of Federal Claims. This section is not intended to affect the jurisdiction or standards applied by the Court of Federal Claims in any other area of the law.

HENRY HYDE,
GEORGE W. GEKAS,
MICHAEL PATRICK
FLANAGAN,
JOHN CONYERS, JR.,
JACK REED,

Managers on the Part of the House.

TED STEVENS,
BILL COHEN,
CHUCK GRASSLEY,
JOHN GLENN,
CARL LEE,

Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to prevent the illegal manufacturing and use of methamphetamine, as amended.

The Clerk read as follows:

H.R. 3852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Methamphetamine Control Act of 1996".

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

Sec. 1. Short title and table of contents.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

Sec. 101. Support for international efforts to control drugs.

Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.

Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.

Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.

Sec. 204. Addition of iodine and hydrochloric gas to list II.

Sec. 205. Civil penalties for firms that supply precursor chemicals.

Sec. 206. Injunctive relief.

Sec. 207. Restitution for cleanup of clandestine laboratory sites.

Sec. 208. Record retention.

Sec. 209. Technical amendments.

Sec. 210. Withdrawal of regulations.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Trafficking in methamphetamine penalty increases.

Sec. 302. Penalty increases for trafficking in listed chemicals.

Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Diversion of certain precursor chemicals.

Sec. 402. Mail order restrictions.

TITLE V—EDUCATION AND RESEARCH

Sec. 501. Interagency methamphetamine task force.

Sec. 502. Public health monitoring.

Sec. 503. Public-private education program.

Sec. 504. Suspicious orders task force.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting "or listed chemical" after "schedule I or II"; and

(2) in paragraphs (1) and (2), by inserting "or chemical" after "substance".

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting "or listed chemical" after "controlled substance".

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the comma at the end and inserting "; or"; and

(3) by adding at the end the following:

"(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title."

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: "It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration."; and

(B) by striking "drug or narcotic" and inserting "drug, narcotic, or chemical" each place it appears; and

(2) in subsection (c), by striking "drug or narcotic" and inserting "drug, narcotic, or chemical".

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting "or listed chemical" after "controlled substance" each place it appears; and

(2) in paragraph (9), by—

(A) inserting "dispensed, acquired," after "distributed," both places it appears; and

(B) striking "a felony provision of".

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting "or listed chemical" after "controlled substance"; and

(2) by amending subsection (b) to read as follows:

"(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802)."

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legal

purposes, and the impact any regulations may have on these purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking “(d) Any person” and inserting “(d)(1) Except as provided in paragraph (2), any person”; and

(2) by adding at the end the following:

“(2) Any person who violates paragraph (6) or (7) of subsection (a), if the controlled substance is methamphetamine, shall be sentenced to a term of imprisonment of not more than 10 years, a fine under title 18, United States Code, or both; except that if any person commits such a violation after one or more prior convictions of that person—

“(A) for a violation of paragraph (6) or (7) of subsection (a);

“(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

“(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine under title 18, United States Code, or both.”.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is adequately punished.

(c) TECHNICAL AMENDMENT.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking “of not more than \$30,000” and inserting “under title 18, United States Code”; and

(2) by striking “of not more than \$60,000” and inserting “under title 18, United States Code”.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding the end the following:

“(I) Iodine.

“(J) Hydrochloric gas.”.

(b) IMPORTATION AND EXPORTATION REQUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking “or” after the semicolon;

(2) in paragraph (10), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a con-

trolled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term ‘laboratory supply’ means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.”.

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

“(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than \$250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than \$250,000 or double the last previously imposed penalty, whichever is greater.”.

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting “manufacture, exportation,” after “distribution,”; and

(2) striking “regulated”.

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting “manufacture, exportation,” after “distribution,”; and

(B) striking “regulated”; and

(2) by adding at the end the following:

“(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

“(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

“(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

“(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.”.

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

“(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

“(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

“(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

“(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.”.

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after “transaction” and subparagraphs (A) and (B) and inserting “for two years after the date of the transaction.”.

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

“(P) Isosafrole.

“(S) N-Methylephedrine.

“(U) Hydriodic acid.”; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

“(G) 2-Butanone (or Methyl Ethyl Ketone).”.

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register on August 7, 1996 (61 FR 40981-40993) is null and void and of no force or effect.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. TRAFFICKING IN METHAMPHETAMINE PENALTY INCREASES.

(a) CONTROLLED SUBSTANCES ACT.—

(1) LARGE AMOUNTS.—Section 401(b)(1)(A)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)(viii)) is amended by—

(A) striking “100 grams or more of methamphetamine,” and inserting “50 grams or more of methamphetamine,”; and

(B) striking “1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine” and inserting “500 grams or more of a mixture or substance containing a detectable amount of methamphetamine”.

(2) SMALLER AMOUNTS.—Section

401(b)(1)(B)(viii) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(B)(viii)) is amended by—

(A) striking “10 grams or more of methamphetamine,” and inserting “5 grams or more of methamphetamine,”; and

(B) striking “100 grams or more of a mixture or substance containing a detectable amount of methamphetamine” and inserting “50 grams or more of a mixture or substance containing a detectable amount of methamphetamine”.

(b) IMPORT AND EXPORT ACT.—

(1) LARGE AMOUNTS.—Section 1010(b)(1)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(H)) is amended by—

(A) striking “100 grams or more of methamphetamine,” and inserting “50 grams or more of methamphetamine,”; and

(B) striking “1 kilogram or more of a mixture or substance containing a detectable amount of methamphetamine” and inserting “500 grams or more of a mixture or substance containing a detectable amount of methamphetamine”.

(2) SMALLER AMOUNTS.—Section

1010(b)(2)(H) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(2)(H)) is amended by—

(A) striking “10 grams or more of methamphetamine,” and inserting “5 grams or more of methamphetamine,”; and

(B) striking "100 grams or more of a mixture or substance containing a detectable amount of methamphetamine" and inserting "50 grams or more of a mixture or substance containing a detectable amount of methamphetamine".

SEC. 302. PENALTY INCREASES FOR TRAFFICKING IN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking the period and inserting the following: "or, with respect to a violation of paragraph (1) or (2) of this subsection involving a list I chemical, if the Government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals possessed or distributed, the penalty corresponding to the quantity of controlled substance that could have been produced under subsection (b).";

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking the period and inserting the following: "; or, with respect to an importation violation of paragraph (1) or (3) of this subsection involving a list I chemical, if the Government proves the quantity of controlled substance that could reasonably have been manufactured in a clandestine setting using the quantity of list I chemicals imported, the penalty corresponding to the quantity of controlled substance that could have been produced under title II.".

(c) DETERMINATION OF QUANTITY.—

(1) IN GENERAL.—For the purposes of this section and the amendments made by this section, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for list I chemicals.

(2) TABLE.—The table shall be—

(A) established by the United States Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission deems appropriate; and

(B) dispositive of this issue.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES; AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish an offense described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of that offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of the Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), if in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the fail-

ure to notify as to the release of a reportable quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking "as" through the semicolon and inserting ", pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title"; and

(2) in subparagraph (A)(iv)(II), by inserting ", pseudoephedrine, phenylpropanolamine," after "ephedrine".

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by inserting before the semicolon the following: "; except that any sale of ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)";

(2) in paragraph (39)(A)(iv)(II), by inserting before the semicolon the following: "; except that the threshold for any sale of pseudoephedrine, phenylpropanolamine, or combination ephedrine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine, 24 grams of phenylpropanolamine, or 24 grams of ephedrine in a single transaction";

(3) by redesignating paragraph (43) relating to felony drug offense as paragraph (44); and

(4) by adding at the end the following: "(45) The term 'ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine product' means any product containing pseudoephedrine, phenylpropanolamine, or ephedrine (where the ephedrine is combined with therapeutically significant quantities of another active medicinal ingredient) that is—

"(A) regulated pursuant to this title; and

"(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base, 3.0 grams of phenylpropanolamine base or 2.0 grams of ephedrine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

"(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine, phenylpropanolamine, or combination ephedrine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

"(B) For purposes of this paragraph, sale for personal use means the sale of below-

threshold quantities in a single transaction to an individual for legitimate medical use.

"(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

"(i) A grocery store is an entity within SIC code 5411.

"(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

"(iii) A drug store is an entity within SIC code 5912.

"(47) The term 'combination ephedrine product' means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient."

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

"(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—Pursuant to subsection (d)(1), the Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4)."

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall determine, following notice, comment, and an informal hearing that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than \$5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus \$5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall determine, following notice, comment, and an informal hearing, that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than \$5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus \$5,000.

(3) COMBINATION EPHEDRINE PRODUCTS.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of ephedrine base for retail distributors of combination ephedrine products. Notwithstanding any other provision of law, the single-transaction threshold quantity for combination ephedrine products may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of ephedrine base, the Attorney General shall determine, following notice, comment, and an informal hearing, that since the date of the enactment of this Act there are a significant number of instances where ordinary over-the-counter combination ephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of combination ephedrine products. For a second violation occurring within 2 years of the first violation, the business or individual

shall be subject to a civil penalty of not more than \$5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus \$5,000.

(4) SIGNIFICANT NUMBER OF INSTANCES.—(A) For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine, over-the-counter phenylpropanolamine, or over the counter combination ephedrine, and sold at the retail level, for the illicit manufacture of a controlled substance may not be used by the Attorney General as the basis for establishing the conditions for establishing a single transaction limit under this section.

(B) In making a determination under paragraph (1)(A)(ii), paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits under this section.

(C) After making a determination under paragraph (1)(A)(ii), paragraph (2)(A)(ii), or paragraph (3)(A)(ii), the Attorney General shall transmit a report to the Committees on the Judiciary of the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits under this section.

(5) DEFINITION OF BUSINESS.—For purposes of this subsection, the term "business" means the entity that makes the direct sale and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(6) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine, phenylpropanolamine, or combination ephedrine products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any pseudoephedrine, phenylpropanolamine, or combination ephedrine product prior to 12 months after the date of enactment of this Act.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

"(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

"(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

"(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

"(B) The data required for such reports shall include—

"(i) the name of the purchaser;

"(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

"(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent."

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a "Methamphetamine Interagency Task Force" (referred to as the "interagency task force") which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a "Suspicious Orders Task

Force" (the "Task Force") which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the "DEA") and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry, including representatives from the DEA/Distributor Working Committee and the DEA/Pharmacy Working Committee.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute *prima facie* suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and Government, and other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds or appropriations.

(f) FACAS.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3852.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Comprehensive Methamphetamine Control Act of 1996 represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our Nation today.

Back in October 1995, the Crime Subcommittee held a hearing on the rapidly growing problem of methamphetamine. The testimony given by Federal and State law enforcement witnesses painted a grim picture of a problem that is no longer regional, but national in scope, and devastating some communities much like cocaine did in the 1980's.

The witnesses also testified about the unique problems associated with meth. The profits involved in the meth trade are enormous; meth causes longer highs than cocaine, with many users becoming chronic abusers. Meth is processed in clandestine labs, often located in remote areas, making them difficult to detect. Mexican traffickers, now the major force in meth production and trafficking, have established clandestine labs throughout the Southwest, and have saturated the Western U.S. market with high-purity meth, leading to lower prices. The 1994 methamphetamine-related murder of DEA agent Richard Fass is a sober reminder of the violence associated with meth trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigative challenge to law enforcement.

H.R. 3852 is the most comprehensive congressional effort ever mounted to respond to the meth crisis. It was introduced by Representative HEINEMAN of the Crime Subcommittee, who cannot be with us today because he is busy making a recovery from intestinal surgery. This bill is nearly identical to S. 1965, introduced by Senate Judiciary Chairman HATCH and a large, bipartisan group of Senators, including Senators, BIDEN, DASCHLE, and FEINSTEIN. Representatives RIGGS and FAZIO, also introduced bills almost identical to the one before us today.

On August 7, 1996, the DEA sought to respond to the problem of over-the-counter drugs being diverted to manufacture meth when it published a final rule, to take effect on October 7, 1996. The rule would remove the exemption for certain over-the-counter pseudoephedrine and phenylpropanolamine, or PPA, products from the regulatory chemical control provisions of the Controlled Substances Act.

H.R. 3852 achieves the same objectives as the DEA rule by providing for the regulation of over-the-counter products when they are shown to be diverted to make meth. Its five titles, taken together, are a tough, smart, and balanced attack on the manufacturing and trafficking of meth.

Title I calls on the Attorney General to coordinate international drug enforcement efforts to interdict methamphetamine precursor chemicals, and imposes tough penalties on those who manufacture precursor chemicals outside the United States with the intent to import them into the United States.

Title II permits the seizure and forfeiture of certain precursor chemicals, and calls on the Attorney General to conduct a study and report to Congress

on measures to prevent the diversion of agents used to produce meth. The title also increases the penalties for the possession of equipment used to make controlled substances and requires the Sentencing Commission to ensure that the manufacture of meth in violation of this section is adequately punished. Importantly, title II declares the DEA rule to be null and void. The DEA has agreed to this provision because of the other improvements made to the bill which make the rule unnecessary.

Title III increases the penalties for trafficking meth so as to make them the same as those provided for trafficking crack cocaine, with 5 grams of meth triggering a 5-year mandatory minimum prison sentence and 50 grams triggering a 10-year mandatory minimum prison sentence. Importantly, the Justice Department's National Methamphetamine Strategy calls for the same sentence increase. The President even wrote to the Speaker 10 days ago and criticized the House for not passing these penalties. Let the record be clear: These increased penalties are being blocked by a small handful of Democrat Members in the other body. Unless a couple of Senators change their minds, the American people will not enjoy the additional protection and deterrence provided by tough mandatory prison sentences for trafficking meth, the penalties even the President wants to see pass.

It's my hope that the President will pick up the phone and call those Members of the other body opposed to these penalties, and ask them to drop their opposition.

Title III also increases the penalties for trafficking in listed precursor chemicals, and requires the Sentencing Commission to ensure that the sentencing guidelines adequately punish violations of environmental laws resulting from clandestine meth labs.

Title IV establishes a so-called "safe harbor," which provides that lawfully manufactured over-the-counter drug products that contain pseudoephedrine and PPA are exempt from regulation unless the Attorney General finds the need to control them because they're being diverted in large quantities. Under this title, if the Attorney General determines that ordinary, over-the-counter products containing pseudoephedrine and PPA are being widely used as a significant source of precursor chemicals used to manufacture methamphetamine, the Attorney General may establish a single transaction limit of 24 grams. Importantly, this bill requires the Attorney General to report to the Judiciary Committees of the House and Senate any finding of diversion before the single transaction limit is imposed. Under the bill, the DEA can begin to collect evidence of diversion of over-the-counter products upon the enactment of the act. Any delay in such data collection must be avoided so as to ensure prompt action against diversion. Both the DEA and the pharmaceutical industry have

worked long and hard with the Congress on this provision. I believe this title strikes a careful balance between providing Federal law enforcement the regulatory authority it needs to restrict diversion of over-the-counter products, and ensuring that the millions of annual consumers of cough and cold products have access to the products that bring much-needed relief.

Finally, title V creates a methamphetamine interagency task force, headed by the Attorney General, to design, implement, and evaluate methamphetamine education, prevention, and treatment practices.

Mr. Speaker, this is a smart, tough bill. The gentleman from North Carolina [Mr. HEINEMAN] could not be with us today, but he should have been proud, and I know he was, to introduce this bill.

The chief and his staffer are to be congratulated on their work on this bill. We urge him a speedy recovery, and we urge, I certainly urge, the adoption of this very fine bill he has crafted. It is a long overdue bill, to give us some real teeth in the laws against this horrible drug trafficking in the product known as methamphetamine; more commonly known to the public as speed.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not a single Member of this Chamber who does not detest the evil of illegal drugs. Parents bury children killed by other children, locked into a deadly cycle of drugs and guns and gangs and violence. Fathers and mothers abandon children because they are driven mad by their addiction. Entire neighborhoods are laid waste. Every single Member of this Congress wants to stop this national sickness. So, we all support being tough on drug trafficking that is killing our young, destroying families, and damaging society.

Most of us will support this bill. We will support it because we know that methamphetamine is dangerous and growing fast in cities, suburbs, and towns all across America. But, Mr. Speaker, there are some among us who take principled exception to one feature of the bill, the imposition of mandatory minimum penalties.

Some of them will speak against those penalties, and some of them may even vote against the bill. I urge all of us to listen to their position carefully and to resist the temptation to engage in cheap theatrical politics, as if this principled opposition to mandatory minimum penalties were evidence of some kind of softness of drugs.

On the contrary, Mr. Speaker, those who will speak against mandatory minimums will do so because they have seen firsthand the impact in their own communities, and they believe that the impact of this bill is futile as to mandatory minimums.

With that, Mr. Speaker, I urge my colleagues to vote for this bill, but to

listen respectfully to the views of those who object to one of its features.

Mr. Speaker, I reserve the balance of my time.

□ 1800

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I am here today to speak on behalf of my colleague, the gentleman from North Carolina, FRED HEINEMAN, who, unfortunately, is not here because of intestinal surgery. Congressman HEINEMAN has dedicated the last 6 months to working on this issue. I really regret that he cannot be here to speak on his own bill.

As all of us know, speed is a highly addictive, illegal drug which may cause brain damage in long-term users. It can cause users to go into deep depressions and violent rages. In fact, in Arizona, Phoenix specifically, local police attribute a 40-percent increase in homicides directly with an increase in methamphetamine production. As a former police chief, let me assure my colleagues, FRED HEINEMAN understands the relationship between drugs and crime. It is time that Congress addresses this issue in a real way.

One of the obstacles that law enforcement faces in dealing with methamphetamine production is that two of our most common cold, flu, and allergy drugs can be used to make speed. Congressman HEINEMAN's bill meets this challenge head-on. It protects consumers' rights to buy cold and allergy medicine off the shelf, while at the same time increasing the penalties for manufacture, sale, and distribution of speed, making them equivalent to the penalties for crack cocaine.

FRED HEINEMAN worked closely with the Drug Enforcement Administration, the Clinton administration, and the pharmaceutical manufacturers on this legislation.

Mr. Speaker, this has broad bipartisan support and I urge my colleagues in Congressman HEINEMAN's absence, support this bill, stop the production of speed in this country, and save the future generation of our children. With this legislation, we can do that.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Mr. Speaker, I rise in opposition to the bill. We all agree that we need to address the problem of methamphetamine manufacture, sale, and use. The question is whether we address it in a way that is clearly effective in reducing the problem or whether we address it in a way that is calculated only to enhance our political posture.

This bill relies on mandatory minimum penalties as the primary vehicle for reducing the manufacture and use of methamphetamine. Yet there is no evidence that such penalties will have

any impact on reducing drug use. In fact, Mr. Speaker, the 5-year mandatory minimum for crack cocaine has not demonstrated any effect in switching drug users from selling crack to powder cocaine, for which they can get probation for 99 times more drugs.

Mr. Speaker, if we are going to look at the best way of reducing the use of speed, all of the credible evidence indicates that drug treatment is many times more effective and cheaper than mandatory minimum sentences. The drug court program has indicated that the costs of drug court is not only cheaper but more effective in reducing crime. In fact, using rehabilitation rather than prisons, we found that prisons cost five times more and result in much more crime.

A drug study in California showed that \$7 was saved in prison costs for every dollar put into drug rehabilitation. According to an impact statement, Mr. Speaker, we are going to spend \$100 million in additional prison costs if we pass this bill.

Mr. Speaker, those opposing the bill want to return it to the Committee on the Judiciary so that we can seriously address the best way of reducing the use of methamphetamine rather than this last-minute waste of the taxpayers' money.

So, Mr. Speaker, I would hope that we would save money and reduce crime by defeating this bill.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time. He and the gentleman from North Carolina have pretty well given Members a good review of this proposed legislation.

Chief HEINEMAN, as the gentleman from Florida said, is recuperating from intestinal surgery. Mr. Speaker, he may have a hole in his intestine but he has fire in his belly when it comes to diligent work for law enforcement. He is a former New York cop, a street cop, a former chief of police in Raleigh, the capital city of my State, and he has worked diligently on this methamphetamine control act bill as well as on the telemarketing fraud bill which we will discuss subsequently.

Meth, or speed, is highly addictive and can cause permanent brain damage, as has already been indicated. Secret labs around the country have begun to manufacture speed with chemicals that have legitimate medical uses. Rogue chemists, Mr. Speaker, I am told, can easily convert cold and flu medicines into meth. Representative HEINEMAN's bill strikes a balanced approach to combat this problem by, A, increasing penalties for possession and trafficking of meth, while at the same time establishing a safe harbor for ordinary over-the-counter products containing the relevant chemicals.

It is a good piece of legislation, Mr. Speaker. I urge its passage.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to this bill. There are a number of reasons that I could oppose it and do oppose it, but I want to speak to two or three of those in this debate since my time is limited.

First of all, we asked the Justice Department, as is our prerogative, to give us a prison impact analysis of this bill. Their analysis indicates that over the next 5 years, this bill will cost the taxpayers over \$268 million. This is money which, as the gentleman from Virginia [Mr. SCOTT] has indicated, could be better spent on preventing drug use rather than building more prison space and locking up more and more people and still not addressing the underlying problem.

Second, my Republican colleagues know that this bill is going nowhere. They are just playing politics with this issue. The Senate has agreed to and passed a methamphetamine bill which does not contain mandatory minimum penalties and they have stated that they will not pass one that does have mandatory minimum sentences. We are too late to conference a bill, so passing a different bill in the House than the one that has passed in the Senate gets you, in the final analysis, absolutely nothing, and that is exactly what my Republican colleagues want. They do not want any bill. They just want to make political points.

The third reason I oppose this bill is because they just absolutely abandoned the process. We were in the middle in the Judiciary Committee of marking up this bill. All of a sudden they took the bill from committee, vaulted out on the floor, put it on the suspension calendar and just absolutely disregarded the process that we should be going through. We are rushing to judgment on something that is a serious, serious issue, building another disparity in our sentencing mechanism just like the one that we have between crack cocaine and powder cocaine, ignoring the fact that prevention works better than prisons and doing something shortsighted that is simply political.

Oppose this bill today.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to respond very briefly to the gentleman from North Carolina. He and I have had a long-standing difference of opinion, though I respect his opinion, over the question of these minimum mandatory sentences in crack and powder and so forth. What we are doing in this bill is very important with regard to minimum mandatory. We are setting the same minimum mandatory tough standards for methamphetamine that we have now for crack. A very small quantity of meth is even more potent than crack. Speed can do even more

damage. A small quantity is all it takes, 5 grams, to do enormous damage to somebody. Because it is so, so, so bad, we need to send a message of deterrence out there. We need to take people off the streets who are dealing in this quantity. It is not a lot but it is enough to mean that anybody who has this amount on their person, just as is the case with crack, is a dealer, is a trafficker, is not simply a user. That message needs to be there. There is no other way you can send a message of deterrence than with a minimum mandatory sentence, and I believe in them for limited purposes. This is one of those purposes. That is why it is in the bill.

As far as the process is concerned, we are here today because this is the only way we can get this bill on up in a quick period of time and consider it by the full House with what is left in this session of Congress. We do not want to just accept the other body's bill. This is our body doing our will.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, the question I want to ask of the gentleman is if we are sending a message, has the message worked on crack cocaine? You have not deterred a thing with the failed policies of building more prisons, and so all we are doing now is spending \$268 million more on prisons to send some other message that has already failed. This is a failed policy that we are pursuing.

Mr. MCCOLLUM. If I could reclaim my time, if your President would put the resources necessary for interdiction of cocaine coming into this country that are needed and to just say no to drugs and send that message out to the kids, if we had been doing that these last 3 years, we would have a lot better statistics on crack and cocaine and all of the other drugs in this country.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the President of the United States is all our President, just as Reagan was my President and Bush was my President. He is my President, not your President.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. I thank the gentleman for yielding me this time.

Mr. Speaker, the eradication of drug use and distribution in our communities is one of my highest priorities. Illegal drug abuse has created havoc on my congressional district of Baltimore and the entire country. It has led to increased crime rates, untimely and unnecessary deaths, gun violence, and skyrocketing health care costs.

Our communities are being hard hit, with no relief in sight. Our precious resources are being depleted in this war against drugs. I believe in drug prevention to thwart drug abuse and treat-

ment to assist struggling addicts. And I believe that we must prosecute drug dealers to the fullest extent that the law will allow. However, I believe that we must have parity in the penalties that we place on illegal drugs.

Mr. Speaker, crack cocaine, powder cocaine, methamphetamine, LSD and heroin all ravage and devastate our communities. Their destruction is indiscriminating. This body should be just as indiscriminating when assessing penalties for their abuse. This body should not create drugs of choice by calling for stiffer penalties on some illegal drugs and not for others. The sale, distribution and use of all illegal substances is abhorrent, and I too want to be tough on all illegal drugs, but we must not continue to fill our prisons with poor persons involved in less expensive substances like crack and methamphetamine while the wealthy abusers dealing in more expensive drugs wreak havoc on our communities.

This measure is not a solution to our drug epidemic. It is election year politics at the expense of poor, undeserved communities. Mr. Speaker, it is these kinds of unnecessary battles that prevent us from winning the war on drugs.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise in strong support of this legislation. I would first like to thank my colleague, the gentleman from North Carolina, Congressman HEINEMAN, for his hard work and vision on this piece of legislation. I think he is in our thoughts, in each one of our thoughts, as he is on his way to a speedy recovery.

Mr. Speaker, there is an epidemic taking place across this country, an epidemic that is casting a long, dark shadow over our land. The epidemic that I am referring to is this dramatic increase that we are seeing in the production, distribution, and consumption of methamphetamines.

□ 1815

This is not an east coast or west coast problem, it is not an urban or rural problem, it is a national problem, and the statistics show an alarming increase in the use of meth.

Overall, the United States has seen an 80-percent increase in drugs under a President who would inhale if again he had the chance. In fact, Mr. Speaker, in a national survey released today by the Parents' Resource Institute for Drug Education, or PRIDE, as it is commonly referred to, shows that teen drug use has hit the highest level in the survey's 9-year history. An appalling one in five high school seniors now uses illegal drugs on a weekly base. Almost 1 in 10 high school seniors say they use illegal drugs every single day.

The methamphetamine epidemic has hit home, particularly in America's heartland. The Nebraska State Patrol is seizing methamphetamine at alarming rates. The amount seized has gone

from less than 1 pound in 1992 to more than 5 pounds in the first 9 months of 1996. In 1995 law enforcement officials found crack in nearly six times the items than just 2 years earlier.

The number of Nebraska arrests by law enforcement officials jumped from 23 in 1990 to 370 in 1995. Unfortunately, convictions have not been on that same percentage increase because of slick criminal trial lawyers getting them off on legal loopholes and technicalities. But these are unconscionable statistics, statistics we can no longer afford to ignore.

The ingredients used to make this drug are available in States like Nebraska that have a strong agricultural base. Interstate 80 has long been a drug pipeline for methamphetamine. This is a good legislation, and I urge the committee for its passage.

Ms. LOFGREN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. FAZIO], a member who has a long history of fighting methamphetamines and an author of a companion bill, H.R. 3908.

Mr. FAZIO of California. Mr. Speaker, I thank my friend, the gentlewoman from California, for her help on this bill and for yielding me time.

Mr. Speaker, I rise today in strong support of the bill before us, H.R. 3852. The Comprehensive Methamphetamine Control Act of 1996 is the product of many long hours of complex negotiations between industry representatives, members of the Drug Enforcement Administration, the Department of Justice, and many Members of both the House and the Senate.

Before I speak to the merits of this fine bipartisan legislation, I want to thank a number of individuals: My Senator, DIANNE FEINSTEIN of California; the gentleman from Illinois, Chairman HYDE; Chairman HATCH; the gentleman from Florida, Chairman MCCOLLUM; and the ranking member, the gentleman from New York, Mr. SCHUMER, for their work on this bill and for their determination to see this bill passed before the adjournment of the 104th Congress. Also I would like to thank my colleagues and coauthor, the gentleman from North Carolina, Mr. HEINEMAN, for his work on this bill.

Mr. Speaker, I am very proud of the legislation before the House today. For many of us, both in the Congress and in the law enforcement community, it represents the culmination of many years of hard work on this issue.

I have been working on legislative solutions to the problems created by methamphetamine since the 101st Congress, when I introduced the Regulated Precursor Chemical Act of 1990. While we have enacted antimeth legislation in almost every subsequent Congress, the illicit manufacturers and sellers of this drug have remained a step ahead of law enforcement and devised new ways to produce methamphetamine. In addition, Mexican drug cartels are now involved in the importation of many of the precursor chemicals used to manu-

facture meth. These cartels present additional problems and burdens for law enforcement, requiring a truly national approach to this problem's solution.

As a result, production and usage of methamphetamine in the United States has grown at alarming proportions over the last several years. According to the DEA, it has been the most prevalent clandestinely produced drug in the United States since 1979. Unfortunately, much of this production is centered in my home State of California and throughout other Western and Southwestern States.

Methamphetamine has caused a dramatic escalation in the number of overdoses, emergency hospital admissions, and drug shootings, from America's largest western cities to our most rural areas. Crack is more potent, more addictive, and much cheaper. It represents a tremendous challenge. It is a public health and law enforcement crisis of truly epidemic proportions, and we must respond to it now.

I believe this bill, H.R. 3852, offers the right solution to this crisis. It includes tough enforcement provisions which increase the penalties for production and trafficking of methamphetamine, enhanced penalties for the possession and trafficking of precursor chemicals and the equipment used to make meth, and more stringent reporting requirements on the sale of products containing precursor chemicals.

The bill also contains provisions which will make a better coordinated international effort, and strengthens provisions against illegal importation of meth.

Finally, this bill requires all levels of law enforcement, in addition to public health officials, to stay ahead of the meth epidemic by creating a national working group which would educate the public on the dangers of meth production, trafficking, and abuse.

The story of our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in our recent history. We now face similar warnings with methamphetamine. We are seeing the destruction of families all across America as a result of the abuse of crack, and we must act now to stop it, for without swift action, this sad history may repeat itself.

The Fazio-Heineman-McCollum legislation is the comprehensive tool that we need to stay ahead of the meth epidemic and avoid the mistakes made during the early stages of the crack cocaine epidemic. I urge all my colleagues to support this much-needed legislation and vote for this bill, giving the opportunity for it to be taken up for a final vote on the morrow.

Mr. Speaker, I thank my friend from Florida for his assistance in making it possible to bring this bill to the floor.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, a distinguished member of our committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time and thank her for her service on the Committee on the Judiciary.

This is a difficult topic, primarily because all of us face the rising tide of drug use, and I do not think this is now a time to suggest who said, "Just say no," who said, "Just don't do it." All of us who are parents and all of us who are members of our community clearly want to be on the side of expressing to our teenagers, in particular, the devastation of the impact of drug use.

H.R. 3852 has good intentions. Having just listened to an array of leaders in my community at a drug hearing, I do realize that there is cause for concern. But to a one, starting with the special agent of the Drug Enforcement Agency in my community, the U.S. attorney, police officers and, yes, those involved in prevention and treatment, they emphasized more than mandatory sentencing that we need to now focus, if you will, on treatment and prevention.

One of the concerns I have about this legislation is that it does not address what we have been discussing with the U.S. Sentencing Commission, a bipartisan commission that argued vigorously to change the disparate sentencing between crack and cocaine. This was ignored by the Republican Congress, for they wanted to leave and go home and beat their respective chests to talk about how they are tough on drugs.

We have young people dying every day. They do not die because we lock up people in jail. We realize that people must be incarcerated. They are dying because we do not have a serious prevention program and education program. We are not getting to the bottom question, of getting those to not buy into slogans, but buy into a commitment to save their lives by staying off drugs.

Methamphetamine is a dangerous drug. So is crack, so is cocaine, and so is heroin. But there must be an opportunity to have our Federal judges have discretion, to penalize those who are suppliers but yet to have some sort of response to those who are addicted, and as well be served by treatment.

I am also here to suggest that we have a major problem in dealing with a real problem in our community, and that is the recognition of the allegations made in the report in the San Jose Mercury newspaper in California, that alleges that individuals associated with the Nicaraguan contra rebel group sold cocaine to gangs in the south central area of Los Angeles. These news articles indicate that the CIA used the proceeds from these drug sales to purchase weapons for the contras to overthrow the Sandinista Government in the 1980's.

These allegations need to be investigated. Several Members of this House

have gone to the CIA Director requesting the CIA and the Justice Department as well as this House investigate it. I think if we are serious about drug prevention, we will get to the source of those drugs in Los Angeles and other cities around the Nation and emphasize prevention and treatment. That is the way we should go.

Ms. LOFGREN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. WATERS], a respected member of the Committee on the Judiciary.

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from California for yielding me this time and for providing some leadership on this issue.

Mr. Speaker, there has been an awful lot of discussion about drugs of late. It is in the campaign now, with candidate Dole accusing President Clinton of not paying attention, somehow blaming on him the fact that there appears to be an increase in the use of drugs by teenagers.

We watch this political debate and we begin to watch legislating and legislation come forward at this time that really does not do justice to this issue. It should not be about politicking. It should not be about trying to make the public believe that something important is really happening as we look at the drug problem.

The fact of the matter is there has not been a war on drugs, and there will never be a war on drugs as long as we do this kind of legislating. We debated for hours about the disparity in crack cocaine and powder cocaine sentencing. We have mandatory sentencing, and the prisons are filling up with young black and Latino males, for the most part, got with one rock cocaine, small amounts of cocaine, thrown into the Federal system in prison, prisons just running over.

Where are the big drug dealers? Where are the people who bring in the huge amounts of cocaine? Where are the big time manufacturers of crack? They are not really talked about. We do not really understand, or do we not care perhaps, where and how this gets into the communities in the first place.

If we really want to do something about drugs, we will stop this penny ante legislating and we will do some real studying. We will get to the bottom of where the precursors are, how do they get involved in the manufacture of crack. We will get down to who the big guys are, so we can really take it off the street.

This does not do this that. This is simply on of these little piecemeal bills at election time, trying to make the public believe we are doing something about drugs, and we are not.

I think we are better legislators than this. I think we are better public policy makers than this. I think we should stop, we should focus, take this out of

the political arena, come back here in January, and get together and really develop some public policy that is going to help the children and the young people of this Nation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a number of comments have been made, and accurately made, in the course of this debate. The gentleman from North Carolina [Mr. WATT] pointed out that the committee process was truncated midway and this bill brought directly to the floor, and that is the truth.

There have been comments made that prevention and treatment is the most effective tool against drugs in America, and I think that it is clear that is true. Our own Governor Wilson's administration released a report last year showing that treatment and prevention efforts were massively more successful in fighting drugs than just pure law enforcement.

However, that does not mean that we should not pass this bill today, and I highly recommend it.

I agree with the speakers who said that sentencing for crack and powdered cocaine should be equalized. I agree with that. But that is also not about this bill.

Unfortunately, speed and methamphetamine is an equal opportunity drug. You will find it being manufactured in suburban and rural areas all across California. It is a very dangerous drug, not only to the users, but to neighborhoods. In my own district, I can recall just a short while ago a lab bursting and exploding into flames, posing threats not only from the scourge of drugs but also to firefighters and police officers and neighbors from the conflagration that ensued.

□ 1830

A lot of people in America do not realize that this bill deals very severely with the precursor drugs that are used by those who would make methamphetamines illegally for sale to the young and others in our communities.

What is that? Well, I sometimes have allergies, especially in the spring, and I must confess I take Sudafed and the generic equivalent with some frequency when that happens, and I like to buy it in the little bottle so I do not have to struggle with the little bubble caps. After this bill is enacted into law we are all going to have to struggle with the little bubble caps, because one of the things we are going to do is to make it harder to buy the precursor chemicals so that people cannot manufacture this drug.

That is going to involve some inconvenience for consumers across this country, including myself, and I think it is a small price to pay in order to take effective efforts against this drug.

As I said at the opening of this discussion, we have many principled Members on our side who have spoken quite eloquently on the issue of manda-

tory minimum sentencing. I know each one of these individuals well. I know that perhaps even more than those of us who may not represent areas that have been targeted for drug sales, they and their constituents know the heavy price paid by those who are involved in drugs and how terrible the dealing of drugs is.

I again respect that the issue over mandatory minimum sentences really says nothing about their concern to fight drugs. I urge that we pass this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to concur with a lot of what the gentlewoman from California just said. This is a bipartisan bill. There are a few disagreements among some of the Members over the minimum mandatory sentences in this bill and perhaps with some other features in it.

The bottom line though is we need to pass this legislation tonight. We need to get it enacted into law, because methamphetamine, better known as speed, is a really dangerous drug. It give you a higher and longer high, they tell me, than crack cocaine does. It is commonly found, it is pretty darn cheap, and it is manufactured synthetically and manufactured with chemicals, we call them pseudoephedrine, which is a big word, but basically is found in most of our cough and flu medications in the drugstore, the grocery store, whatever.

It takes large quantities of this and normally and historically those large quantities have been acquired through chemical plant sources from abroad or elsewhere, and they have been done illegally and surreptitiously, but more recently we have been seeing the folks in the United States, and that is where this is made usually, are going to the drugstore or going somewhere and buying very large quantities of off-the-counter, over-the-counter I should say, off-the-shelf products, and that is not good. We need to stop that.

This bill goes a long way toward stopping that, while still providing access for every American to have their flu and cough medications found in the so-called pseudoephedrine product line.

In addition to that, it takes care of being sure that we have the right kind of sentencing in here. While some may disagree with it, and I have heard somebody say this is penny-ante legislation and somebody else say it is too expensive, I would suggest it is neither one. There is nothing that would be too expensive, in my judgment, to stop the kind of crisis we are getting in this particular drug.

We have already heard about the statistics that are so alarming about our young people tonight, generally with drugs, in this Nation. We are seeing this dramatic increase in the last couple of years in 12- to 17-year-olds using drugs, period. Over the last 3 years I

think the figure is close to a 100-percent increase in drug usage among teenagers of that age group in this Nation. And it is very, very high with cocaine, 166 percent in 1 year, while it is also very, very high with methamphetamine, which is becoming a choice drug over crack cocaine, even more popular in some parts of the country than cocaine.

So tonight's bill is not a small, penny-ante bill. It is not too expensive. It is just right. It is the formula to give our law enforcement community the tools they need to try to stop the use of methamphetamine and the production of methamphetamine, better known as speed. If we can give them more tools, there is nothing in this bill that would be too expensive.

Frankly, there is no money involved in this bill. It is a bill, however, that does contain minimum mandatory sentences. Those minimum mandatory sentences are very tough because small quantities, 5 grams, just like with crack, are trafficking quantities of meth. It does not take much to do the job, and I do not think anybody here should be ashamed to vote for 5 years minimum mandatory sentence for somebody caught with 5 grams of this stuff because they are trafficking in it. They are causing hardship and death in some cases to our young people, and they are the villains in this process.

We cannot lock everybody up, but we can certainly lock up the drug traffickers. If somebody is the big, big, big drug dealer, we have the death penalty for that. We have a lot harsher punishment for them. What we need is the will to go carry out those laws and to come and do the interdiction, the "just say no" education programs for young people, the drug treatment and the work abroad, where that is necessary, in a balanced war against drugs.

When need to come together as a Nation. This is a good step in the right direction tonight. It is a bipartisan product. Democrats and Republicans alike have worked on this bill, and it is a bill which the President should sign.

I hope that when this gets over to the Senate, if President Clinton will pick up that telephone and call those Senators who say that they are going to try to block this bill from passing over there, and it does not take very many of them in the other body to do that because they have procedural problems at the end of a session, I hope he will get on the phone and call those members of his own party who say they are going to block it over these minimum mandatory sentences. I urge him to do that tonight, and if he does it, we will have a bill. It will get passed into law, and the Nation will be far better as a result of that and we will have many better law enforcement tools.

Mr. Speaker, again I urge the passage of this bill.

Mr. MATSUI. Mr. Speaker, in recent years, Sacramento County has been increasingly troubled by the prevalence of the drug methamphetamine. Last year, the Sacramento

Sheriff's Department made 1,117 arrests for methamphetamine charges, a number that greatly exceeded the amount of arrests for cocaine, marijuana, and heroin combined. The Sheriff's Department also discovered and dismantled seven methamphetamine labs, a significant accomplishment but one that drained the county government of approximately \$40,000 of its valuable resources.

This year, the Sacramento Sheriff's Department conducted an investigation that led to the arrest of four individuals and the seizure of 80 pounds of methamphetamine, valued at \$2.9 million. Although law enforcement officials have made great progress, there is much more work to be done.

I am proud to support the Comprehensive Methamphetamine Control Act of 1996, which takes a big step in addressing this very serious problem. In light of the public health, safety, and law enforcement challenges posed by methamphetamine in California and elsewhere in the United States, this bill represents an effective means of attacking its production, distribution and use. It is my hope that we will soon rid Sacramento County and the rest of the country of the terrible consequences of this dangerous drug.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3852. The legislation increases penalties for trafficking and manufacturing methamphetamine substances or other materials used to produce methamphetamines. The bill also establishes an interagency task force to design, implement, and evaluate methamphetamine education, prevention, and treatment practices.

Section 207 also contains a provision which permits judges, as a condition of sentencing, to require those convicted of running an illegal methamphetamine lab to (1) pay for the costs of cleaning up any toxic wastes, (2) reimburse the government for any costs it incurs in cleaning up any toxic waste at the site, and (3) to pay restitution to any person injured by a release of toxic substances at the site. Unlike Superfund's system of strict, joint and several, and retroactive liability, this is a "polluter pays" provision which makes sense—someone who acts illegally should be held responsible for the costs to clean up the mess that they made.

I support the legislation; however, I must point out that the bill has not been fully considered by the committees of jurisdiction. H.R. 3852 was referred to the Committee on the Judiciary and the Committee on Commerce. The Crime Subcommittee has considered the bill, but the full Judiciary Committee has not; in addition, the Commerce Committee has not considered this legislation. Given the limited time remaining in this session of Congress, I will not object to this bill moving forward. In doing so, however, the Committee on Commerce in no way is yielding any of its jurisdiction on this and other similar matters.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to support H.R. 3852, the Methamphetamine Control Act. Methamphetamine is a powerful drug that is relatively easy to manufacture. The use of this dangerous drug is escalating rapidly due to its low cost and highly addictive qualities.

Methamphetamine use is expanding into the Midwest. According to the Nebraska State Patrol, in 1991, Nebraska had 25 arrests for possession of methamphetamine or delivery. In 1995, there were 374 methamphetamine ar-

rests. This is a 350-percent increase. Communities along the I-80 corridor are the hardest hit. The severity of the problem in Nebraska was highlighted last spring by the tragic death of a teenager in York, NE, at his prom from an overdose of methamphetamine. It was a shock and wake-up call to this prototypical county seat community of 7,500 and to all of Nebraska.

The Methamphetamine Control Act increases penalties for trafficking and manufacturing methamphetamine substances or other materials used to produce methamphetamines. It appropriately establishes mandatory minimum sentences for methamphetamine trafficking. For trafficking 5 to 49 grams of the drug there will be a 5-year minimum sentence. The bill requires a 10-year minimum sentence for trafficking 50 or more grams. These new penalties are crucial to efforts to decrease the availability of this dangerous and proliferating drug.

In closing, Mr. Speaker, we must pass this bill in the short time left in this session of Congress. It must also be passed by the Senate with these tough but appropriate sentencing provisions so that it can be sent to the President for signature. The Nation must become serious and effective in combating this very serious problem. This bill must become law this year in order to do all we can to fight the use of this dangerous drug.

Mr. RIGGS. Mr. Speaker, I rise today in strong support of the Methamphetamine Control Act of 1996. This is a bipartisan bill designed to attack the production, distribution, and use of methamphetamine in the United States.

Methamphetamine poses a serious and growing public health concern in this country, and requires immediate government attention. While regulations recently promulgated by the Drug Enforcement Administration provide a first step towards combating methamphetamine trafficking, further action is needed to close loopholes in those regulations and provide a more complete response to control methamphetamine in this country.

H.R. 3852 would combat this drug scourge by giving the law enforcement community the muscle it needs to fight trafficking in methamphetamine and its precursor chemicals. To this end, the bill restricts the importation of methamphetamine and precursor chemicals into the United States; increases criminal penalties for methamphetamine manufacturers and traffickers; cracks down on the ability of rogue companies to sell bulk quantities of precursor chemicals that are diverted to clandestine laboratories for the manufacture of methamphetamine; and expands regulatory enforcement of all precursor chemicals used to make methamphetamine, which, in turn, will plug a loophole in current Drug Enforcement Administration regulations that apply only to a narrow range of products that could potentially be diverted to illegally manufacture methamphetamine.

Importantly, the Methamphetamine Control Act balances these critical law enforcement objectives with the need to protect consumer access to over-the-counter medicines.

Thus, while imposing measures to decrease the availability of precursor chemicals, the legislation does not restrict the ability of law-abiding citizens to use common remedies for colds and allergies. Nor does the legislation subject sales of such legal products to onerous record keeping requirements at the retail level.

Finally, the bill institutes a number of programs to improve and expand existing education and research activities related to methamphetamine and other drug abuse, and to monitor methamphetamine abuse in the United States and improve reporting of suspicious precursor chemical orders.

Mr. Speaker, I have received letters in support of the Methamphetamine Control Act from law enforcement and health officials across California. Among those who have contacted me are Jim Maready, Sheriff-Coroner of Del Norte County, and James Tusso, Sheriff-Coroner of Mendocino County. Both jurisdictions have experienced increases in violence related to the trafficking and use of methamphetamine.

The tragic death of 14-year-old Raina Shirley in March of this year as the result of methamphetamine furnished to her focused national attention to the problem in Northern California.

As cosponsor of the original version of Methamphetamine Control Act, I strongly endorse the measure before the House today. H.R. 3852 represents a comprehensive response to this spreading national menace. It is my hope that Congress will move rapidly to enact the bill, and help prevent future tragedies like the one that methamphetamine brought to Raina Shirley and her family.

Mr. Speaker, I include the letters referenced earlier.

COUNTY OF DEL NORTE,

OFFICE OF THE SHERIFF,

Crescent City, CA, September 18, 1996.

Re Methamphetamine Control Act of 1996.

Congressman FRANK RIGGS,
Longworth Office Building,
Washington, DC.

HON. CONGRESSMAN RIGGS: I understand that the Methamphetamine Control Act of 1996 bill is making its way through Congress and came up for mark-up in committee last Wednesday. Ideally, the fewer changes made to the bill, the better. This will help facilitate passage through the Senate.

Methamphetamine at this stage in our society, even in small rural counties, is in many cases to the young people of today what marijuana was to the same age group in the '60's and '70's.

The precursors used in the process of manufacturing methamphetamine are readily available to those that wish to manufacture the illegal drug. In addition, the new processes used in the making of the drug is much less sophisticated, thus novices can manufacture the drug in a very short period of time.

I would urge any new sanctions that could be used in fighting this invasive drug that is crippling many of our young people. I am in constant contact with the young people of our community through my office as Sheriff, coaching high school football, D.A.R.E., and other civic involvements. Please do not hesitate in contacting me if I can be of any assistance.

Sincerely,

JIM MAREADY,
Sheriff-Coroner.

OFFICE OF THE SHERIFF-CORONER,

COUNTY OF MENDOCINO,

Ukiah, CA, September 16, 1996.

Congressman FRANK RIGGS,
U.S. Congress,

Longworth Office Building, Washington, DC.

DEAR CONGRESSMAN RIGGS: I am in receipt of Senator Feinstein's correspondence in regards to the Methamphetamine Control Act of 1996, and will be most honored to endorse this proposed legislation and offer any as-

sistance for it's successful passage. In Mendocino County, methamphetamine continues to be the drug of choice, and as such, presents a most serious and dangerous problem for law enforcement and community members.

Here in our county, the Mendocino County Major Crimes Task Force has conducted 832 investigations involving methamphetamine during Fiscal Years 1992-1993, 1993-1994, 1994-1995, and 1995-1996. From these investigations, 719 arrests were made and 58 clandestine laboratories were seized.

Methamphetamine Investigations

Fiscal year:	
1992-93	220
1993-94	245
1994-95	226
1995-96	141

Total 832

Of the total number of all narcotics investigations conducted by the Mendocino County Major Crimes Task Force during this time period (1357), 61% were directly related to methamphetamine.

Methamphetamine Arrests

Fiscal year:	
1992-93	176
1993-94	220
1994-95	199
1995-96	124

Total 719

Of the total number of all narcotics arrests made by our Major Crimes Task Force during this time period (1174), 61% were for offenses related to methamphetamine.

Methamphetamine Seized

Fiscal year 1992-93:	
Cost	\$1,003,000
Amount (grams)	10,030.00
Fiscal year 1993-94:	
Cost	\$231,390
Amount (grams)	2,313.90
Fiscal year 1994-95:	
Cost	\$545,283
Amount (grams)	5,452.83
Fiscal year 1995-96:	
Cost	\$221,535
Amount (grams)	2,408.00
Total:	
Cost	\$2,001,208
Amount (grams)	20,204.73

Our Major Crimes Task Force reported witnessing an increase in the number and sophistication of clandestine laboratories in our county. Out-of-county methamphetamine laboratory operators are paying lab-site brokers to secure areas to manufacture methamphetamine. The property owners are paid a fee to allow the process to occur. Once the cooking process is complete, the clandestine laboratory is moved. Some of these cooking processes yield up to 350 pounds of methamphetamine.

Clandestine Laboratories

Fiscal year:	
1992-93	6
1993-94	12
1994-95	19
1995-96	21

Total 58

Like other jurisdictions, Mendocino County has experienced an increase in violence related to the use and trafficking of methamphetamine. Our most heinous act of violence occurred on August 23, 1993, when 21 year old Ronald Trever Harden shot and killed his mother, father, sister and 16 month old niece while under the influence of methamphetamine. He then took his own life.

The tragic death of 14 year old Raina Bo Shirley in March of this year as a result of

the ingestion of methamphetamine furnished to her brought national attention to our small county due to the circumstances surrounding her disappearance and death. As you know, the suspect is still being sought in her death. In another tragedy, 17 year old Angel Ann Miller died from methamphetamine toxicity after being furnished the drug by a male friend, who has since been arrested for murder as a result of her death.

Therefore, it is without hesitation that I offer my support to your efforts in seeking legislation to further enhance our ability to curb methamphetamine production. If necessary, we can provide testimony to what we have encountered.

Sincerely,

JAMES TUSO, Sheriff-Coroner.

Mr. HEINEMAN. Mr. Speaker, I want to thank Crime Subcommittee Chairman BILL MCCOLLUM and his staff for all their assistance in getting this vital legislation to the floor. I introduced H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996 because of the growing scourge of meth. Senator HATCH introduced companion legislation, S. 1965, which passed the Senate earlier this month.

Meth, commonly known as speed, is highly addictive and causes permanent brain damage in long-term users. Meth has become a public health crisis in California and the Southwest and is moving East. DEA records indicate a 57-percent increase in meth lab seizures from January to May of this year alone. In 1994, California experienced a 49-percent increase in meth-related emergency room admissions. In Phoenix, police link a 40-percent increase in homicides directly to the sudden rise in meth production. Meth produces a euphoric high, but also produces deep depression and violent rages. In one particularly gruesome incident, Eric Smith of Chandler, AZ, binged on meth for 24 hours and then beheaded his son and tossed his son's head from the window of his van onto a busy highway.

Secret labs manufacture meth from chemicals with legitimate medical uses. Two of the most common precursor drugs—ephedrine and pseudoephedrine—are common ingredients in cold, cough, and flu medications. More than 100 over-the-counter cold and allergy medicines contain pseudoephedrine. These products are used by more than 90 million Americans and account for \$1 billion a year in lawful sales. However, rogue chemists can easily convert these cold and allergy medicines containing pseudoephedrine into meth.

While I am committed to eliminating meth, I believe that we can do so without forcing drug stores from removing cold and allergy medication from their shelves because of overlyburdensome regulations. As written, the DEA regulations apply new recordkeeping requirements to retailers, forcing individual clerks to engage in complicated calculations concerning base chemical quantities. Failure to comply or make correct calculations can result in \$30,000 in fines or incarceration. Instead of complying with these criminal regulations, drug stores will simply remove most cold and allergy medicines from the shelves. This will dramatically affect the 90 million consumers who rely on this medicine. My bill revokes these DEA regulations.

This is a nonpartisan issue. Ranking member CHARLES SCHUMER wrote DEA Administrator Tom Constantine on February 28, 1996, to express the very same concerns regarding DEA's proposed regulations that Congressmen MEL WATT and HOWARD COBLE and I

raised in a March 19, 1996, letter. In addition, I was pleased to work closely with Congressman VIC FAZIO from California who introduced similar legislation. The administration is also on record as being supportive of this bill. This is indicative of the bipartisan nature of this legislation.

As a 38-year law enforcement veteran, I have seen epidemics of heroin, LSD, cocaine, and crack infect our cities and communities. We must take immediate and dramatic action to ensure that meth is eradicated, while at the same time enabling consumers access to cold, flu, and allergy medication. That is why I introduced H.R. 3852, which:

Increases penalties for possession and trafficking of methamphetamine, making them equivalent to the penalties for crack-cocaine

Increases penalties for illegal possession and trafficking of precursor chemicals used for the manufacture of methamphetamine and other controlled substances.

Reduces single transaction reporting requirements for all sales other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine containing products from 1 kg to 24 grams.

Creates a safe harbor for ordinary over-the-counter products containing pseudoephedrine or phenylpropanolamine to cover those products packaged in package sizes of not greater than three grams of pseudoephedrine or phenylpropanolamine base and packaged in blister packs. This will effectively combat shelf sweeping.

Establishes new reporting requirements for firms that sell pseudoephedrine or phenylpropanolamine products via mail order.

Imposes tougher penalties on those who import meth or its precursor chemicals with the intent to distribute them within the United States.

H.R. 3852 represents a common sense approach to a dangerous problem. It fairly balances the concerns of consumers with those of law enforcement so that meth can be eliminated. It is my sincere hope that the President joins our antidrug initiative and signs H.R. 3852 into law. I urge my colleagues to support this tough, bipartisan legislation. Pass H.R. 3852!

Thank you, Mr. Speaker.

Mr. HEINEMAN. Mr. Speaker, today I am pleased that the House is poised to pass my bill, H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996. H.R. 1499 protects senior citizens from a sophisticated type of white collar criminal—telemarketing scam artists who target vulnerable elderly citizens.

These crimes are among the most outrageous in society because telemarketing scam artists prey on the most vulnerable—seniors who can least afford to lose their limited savings. In fact, Members have already spoken against telemarketing fraud once before, and many of my colleagues thought that the job of getting tough on these kinds of crimes was already completed. However, the job is only half done. The 1994 crime bill included important language cracking down on telemarketing fraud. Today we will pass legislation which completes what was begun in the 1994 crime bill, legislation that takes the tough sentences included in the 1994 crime bill and makes certain that telemarketing scam artists actually receive tougher penalties.

H.R. 1499 was approved unanimously by the Subcommittee on Crime together with a

technical amendment offered by Chairman BILL MCCOLLUM. This legislation was developed in consultation with the Department of Justice and staff of the U.S. Sentencing Commission. It is a reasonable, bipartisan bill, and I want to thank my colleagues on both sides of the aisle who have expressed their support for this legislation.

Why is this legislation needed? Telemarketing fraud against seniors is on the rise, but the average sentence for this kind of crime is only 18 months. The 1994 Crime bill directed the U.S. Sentencing Commission to review the Federal sentencing guidelines and report back to Congress on amendments to the guidelines that would ensure tough sentences for telemarketing frauds. Unfortunately, when the Sentencing Commission reported back to Congress in March of 1995, it concluded that no enhancements for telemarketing fraud were needed.

This past April, the Subcommittee on Crime heard the tragic testimony of senior citizens who lost their life savings to telemarketing scams. One of my constituents, Mary Ann Downs from Raleigh lost over \$74,000. In Durham, NC, an elderly woman was victimized for \$212,000. The FBI estimates that U.S. consumers lose over \$40 billion a year to fraudulent telemarketers.

My legislation directs the U.S. Sentencing Commission to amend the sentencing guidelines so that sentences for general telemarketing fraud offenses are enhanced by 4 levels, and telemarketing fraud offenses committed against seniors are enhanced by 8 levels.

According to staff of the U.S. Sentencing Commission, a 4-level enhancement for telemarketing frauds would equal roughly 11 months, or a 60-percent increase from the average 18 months sentence currently received. An 8-level increase would equal roughly an additional 25 months, or a 140-percent increase from the current average 18-month sentence for these frauds. This still falls short of the full extent of the 5 years and 10 years additional prison time envisioned by the 1994 Crime bill, but it is a critical step in combating telemarketing fraud.

The bill also includes a sentencing enhancement of 2 levels for frauds committed by defendants in a foreign country. This is in response to the fact that increasing numbers of telemarketers are moving their operations to foreign jurisdictions in an attempt to evade prosecution in the United States. In addition, H.R. 1499 provides for criminal forfeiture of the proceeds of telemarketing scams.

I urge my colleagues to support H.R. 1499, the Telemarketing Fraud Punishment and Prevention Act of 1996 and help protect their senior constituents from telemarketing predators. Thank you, Mr. Speaker.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 3852, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1296, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-842) on the resolution (H. Res. 536) waiving points of order against the conference report to accompany the bill (H.R. 1296), to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, which was referred to the House Calendar and ordered to be printed.

DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults.

The Clerk read as follows:

H.R. 4137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

SEC. 2. USE OF CONTROLLED SUBSTANCES TO COMMIT SEXUAL ASSAULT CRIMES OF VIOLENCE

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting "a person convicted under this subsection for the possession of a mixture or substance containing a detectable amount of a controlled substance, with the intent to administer such mixture or substance to another person to facilitate a crime of violence, as defined in section 16 of title 18, United States Code, (including a sexual assault) against that person, shall be fined under title 18, United States Code, or imprisoned not more than 15 years, or both, and if the victim or intended victim of the crime of violence is age 14 or under, shall be imprisoned not more than 20 years, and" after "Notwithstanding the preceding sentence,".

SEC. 3. ADDITIONAL PENALTIES RELATING TO FLUNITRAZEPAM.

(a) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 1 gram or more of flunitrazepam;"

(2) in subsection (b)(1)(B)—

(A) by striking "or" at the end of clause (vii);

(B) by inserting "or" at the end of clause (vii);

(C) by inserting after clause (viii) the following:

"(ix) 100 mg or more of flunitrazepam;"

and

(3) in subsection (b)(1)(C), by inserting "or flunitrazepam" after "I or II".

(b) IMPORT AND EXPORT PENALTIES.—

(1) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".