

108TH CONGRESS
1ST SESSION

H. R. 834

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. OSE (for himself, Mr. BLUNT, Mr. PORTMAN, Mr. SOUDER, Mr. MICA, Mr. CANNON, Mr. CALVERT, Mr. CUMMINGS, Mr. COBLE, Mr. TOWNS, Mr. GOODLATTE, Mr. HERGER, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. LATHAM, Mr. RADANOVICH, Mr. UDALL of New Mexico, Mr. BEREUTER, Mr. GIBBONS, Mr. WALDEN of Oregon, Mr. SESSIONS, Mrs. TAUSCHER, Mr. CRANE, Ms. HARMAN, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. MATHESON, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. NETHERCUTT, Ms. LOFGREN, Mr. MCINNIS, Mr. COSTELLO, Mr. ADERHOLT, Mr. CARSON of Oklahoma, Mr. PUTNAM, Mr. DOOLEY of California, Mr. OSBORNE, Mr. CARDOZA, Mr. GRAVES, Mr. FILNER, Mr. TERRY, Mrs. BONO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. ENGLISH, Mr. GILLMOR, Mr. LANTOS, Mr. SIMMONS, Mr. HOLDEN, Mr. ISSA, Mr. POMEROY, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. SULLIVAN, Mr. HILL, Mr. BALLENGER, Mr. CASE, Mr. NUNES, Mr. UPTON, Mr. EHLERS, Mr. LEACH, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—ENVIRONMENTAL PROTECTION

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

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

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

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

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

Sec. 106. Study of environmental impact.

TITLE II—EDUCATION, PREVENTION, AND TREATMENT

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

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

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

TITLE III—ENFORCEMENT

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

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

Sec. 303. Expansion of methamphetamine Hot Spots program to include personnel and equipment for enforcement, prosecution, and environmental cleanup.

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

Sec. 305. Liability of promoters of commercial drug-oriented entertainment.

Sec. 306. Statement of Congress regarding availability and illegal importation of pseudoephedrine from Canada.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$10,000,000 for fiscal year 2005.

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

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

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Administrator of
13 the Environmental Protection Agency \$1,000,000 for fis-
14 cal year 2005 to conduct the study required by subsection
15 (a).

16 **TITLE II—EDUCATION,**
17 **PREVENTION, AND TREATMENT**

18 **SEC. 201. STUDY REGARDING HEALTH EFFECTS OF EXPO-**
19 **SURE TO PROCESS OF UNLAWFUL MANUFAC-**
20 **TURE OF METHAMPHETAMINE.**

21 (a) IN GENERAL.—With respect to the unlawful man-
22 ufacturing of methamphetamine, the Secretary of Health
23 and Human Services shall conduct a study for the purpose
24 of determining—

1 (1) to what extent food, water, air, soil, equip-
2 ment, or other matter becomes contaminated with
3 methamphetamine or other harmful substances as a
4 result of the proximity of the matter to the process
5 of such manufacturing; and

6 (2) whether any adverse health conditions result
7 from the exposure of individuals to such process or
8 to contaminated matter within the meaning of para-
9 graph (1).

10 (b) REPORT TO CONGRESS.—Not later than one year
11 after the date of the enactment of this Act, the Secretary
12 of Health and Human Services shall complete the study
13 under subsection (a) and submit to the Congress a report
14 describing the findings of the study.

15 **SEC. 202. GRANTS FOR EDUCATIONAL PROGRAMS ON PRE-**
16 **VENTION AND TREATMENT OF METH-**
17 **AMPHETAMINE ABUSE.**

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

21 (1) in section 4003—

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

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

1 (C) at the end of the section, by adding
2 the following:

3 “(3) \$20,000,000 for fiscal year 2005, for
4 grants under subpart 4.”;

5 (2) by redesignating subpart 4 as subpart 5;
6 and

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

8 **“Subpart 4—Education on Prevention and Treatment**
9 **of Methamphetamine Abuse**

10 **“SEC. 4146. GRANT PROGRAM.**

11 “(a) GRANTS.—From funds made available to carry
12 out this subpart under section 4003(3), the Secretary may
13 make grants on a competitive basis to State agencies, local
14 educational agencies, and nonprofit organizations to carry
15 out programs to educate students on prevention and treat-
16 ment of methamphetamine abuse.

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

21 **SEC. 203. LOCAL GRANTS FOR TREATMENT OF METH-**
22 **AMPHETAMINE ABUSE AND RELATED CONDI-**
23 **TIONS.**

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

1 (1) by redesignating the section 514 that re-
2 lates to methamphetamine and appears after section
3 514A as section 514B; and

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

6 “LOCAL GRANTS FOR TREATMENT OF
7 METHAMPHETAMINE ABUSE AND RELATED CONDITIONS

8 “SEC. 514C. (a) IN GENERAL.—The Secretary may
9 make grants to political subdivisions of States and to non-
10 profit private entities for the purpose of providing treat-
11 ment for methamphetamine abuse, subject to subsection
12 (b).

13 “(b) CERTAIN SERVICES FOR CHILDREN.—In addi-
14 tion to the purpose described in subsection (a), a grant
15 under such subsection may be expended to treat children
16 for any adverse health condition resulting from a quali-
17 fying methamphetamine-related exposure.

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

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

21 “(2)(A) The term ‘qualifying methamphet-
22 amine-related exposure’, with respect to children,
23 means exposure to methamphetamine or other harm-
24 ful substances as a result of the proximity of the
25 children to the process of manufacturing meth-

1 amphetamine or the proximity of the children to as-
2 sociated contaminated matter.

3 “(B) The term ‘associated contaminated mat-
4 ter’, with respect to the process of manufacturing
5 methamphetamine, means food, water, air, soil,
6 equipment, or other matter that is contaminated
7 with methamphetamine or other harmful substances
8 as a result of the proximity of the matter to such
9 process.

10 “(d) FUNDING.—

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—
12 For the purpose of carrying out this section, there
13 are authorized to be appropriated \$10,000,000 for
14 fiscal year 2005.

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

20 **TITLE III—ENFORCEMENT**

21 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS RELATING** 22 **TO METHAMPHETAMINE LABORATORY SEI-** 23 **ZURE STATISTICS.**

24 In addition to any other funds authorized to be ap-
25 propriated for fiscal year 2005 for the collection, aggrega-

1 tion, and dissemination of methamphetamine laboratory
2 seizure statistics by the El Paso Intelligence Center
3 (EPIC) of the Department of Justice, there is authorized
4 to be appropriated \$2,000,000 for such purpose.

5 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS RELATING**
6 **TO COPS GRANTS.**

7 (a) IN GENERAL.—In addition to any other funds au-
8 thorized to be appropriated for fiscal year 2005 for grants
9 under part Q of title I of the Omnibus Crime Control and
10 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.),
11 known as the COPS program, there is authorized to be
12 appropriated \$20,000,000 for such purpose to provide
13 training to State and local prosecutors and law enforce-
14 ment agents for prosecution of methamphetamine of-
15 fenses.

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

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

1 **SEC. 303. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
2 **PROGRAM TO INCLUDE PERSONNEL AND**
3 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
4 **TION, AND ENVIRONMENTAL CLEANUP.**

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

8 (1) in paragraph (10) by striking “and” at the
9 end;

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

12 (3) by adding at the end the following new
13 paragraph:

14 “(12) hire personnel and purchase equipment to
15 assist in the enforcement and prosecution of meth-
16 amphetamine offenses and the environmental clean-
17 up of methamphetamine-affected areas.”.

18 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS RELATING**
19 **TO THE CLANDESTINE LABORATORY TRAIN-**
20 **ING.**

21 In addition to any other funds authorized to be ap-
22 propriated for fiscal year 2005 for the facilities and per-
23 sonnel used to operate the Clandestine Laboratory Train-
24 ing Facility of the Drug Enforcement Administrated, lo-
25 cated in Quantico, Virginia, there is authorized to be ap-
26 propriated \$10,000,000 for such purpose (but to include

1 not more than 20 additional fulltime positions) to provide
2 training to law enforcement personnel of all the States,
3 the District of Columbia, the Commonwealth of Puerto
4 Rico, and the territories and possessions of the United
5 States.

6 **SEC. 305. LIABILITY OF PROMOTERS OF COMMERCIAL**
7 **DRUG-ORIENTED ENTERTAINMENT.**

8 (a) IN GENERAL.—The Controlled Substances Act is
9 amended by inserting after section 416 (21 U.S.C. 856)
10 the following new section:

11 **“SEC. 416A. PROMOTERS OF COMMERCIAL DRUG-ORI-**
12 **ENTED ENTERTAINMENT.**

13 “Whoever, for a commercial purpose, knowingly pro-
14 motes any rave, dance, music, or other entertainment
15 event, that takes place under circumstances where the pro-
16 moter knows or reasonably ought to know that a controlled
17 substance will be used or distributed in violation of Fed-
18 eral law or the law of the place where the event is held,
19 shall be fined under title 18, United States Code, or im-
20 prisoned for not more than 9 years, or both.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of the Comprehensive Drug Abuse Pre-
23 vention and Control Act of 1970 is amended by inserting
24 after the item relating to section 416 the following new
25 item:

“Sec. 416A. Promoters of drug oriented entertainment.”.

1 **SEC. 306. STATEMENT OF CONGRESS REGARDING AVAIL-**
2 **ABILITY AND ILLEGAL IMPORTATION OF**
3 **PSEUDOEPHEDRINE FROM CANADA.**

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

5 (1) pseudoephedrine is one of the basic pre-
6 cursor chemicals used in the manufacture of the
7 dangerous narcotic methamphetamine;

8 (2) the Federal Government, working in co-
9 operation with narcotics agents of State and local
10 governments and the private sector, has tightened
11 the control of pseudoephedrine in the United States
12 in recent years;

13 (3) pseudoephedrine can only be purchased in
14 the United States in small quantity bottles or blister
15 packs; however, the widespread presence of large
16 containers of pseudoephedrine from Canada at meth-
17 amphetamine laboratories and dumpsites in the
18 United States, despite efforts of law enforcement
19 agencies to stem the flow of these containers into
20 the United States, demonstrates the strength of the
21 demand for, and the inherent difficulties in stem-
22 ming the flow of, these containers from neighboring
23 Canada; and

24 (4) Canada lacks a comprehensive legislative
25 framework for addressing the pseudoephedrine traf-
26 ficking problem.

1 (b) CALL FOR ACTION BY CANADA.—The Congress
2 strongly urges the President to seek commitments from
3 the Government of Canada to begin immediately to take
4 effective measures to stem the widespread and increasing
5 availability in Canada and the illegal importation into the
6 United States of pseudoephedrine.

○