

106TH CONGRESS  
1ST SESSION

# S. 486

To provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. BOND, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Determined and Full  
5 Engagement Against the Threat of Methamphetamine” or  
6 “DEFEAT Meth” Act of 1999.

1 **SEC. 2. ENHANCED PUNISHMENT OF METHAMPHETAMINE**  
2 **LABORATORY OPERATORS.**

3 (a) FEDERAL SENTENCING GUIDELINES.—

4 (1) IN GENERAL.—Pursuant to its authority  
5 under section 994(p) of title 28, United States Code,  
6 the United States Sentencing Commission shall  
7 amend the Federal sentencing guidelines in accord-  
8 ance with paragraph (2) with respect to any offense  
9 relating to the manufacture, attempt to manufac-  
10 ture, or conspiracy to manufacture amphetamine or  
11 methamphetamine in violation of—

12 (A) the Controlled Substances Act (21  
13 U.S.C. 801 et seq.);

14 (B) the Controlled Substances Import and  
15 Export Act (21 U.S.C. 951 et seq.); or

16 (C) the Maritime Drug Law Enforcement  
17 Act (46 U.S.C. App. 1901 et seq.).

18 (2) REQUIREMENTS.—In carrying out this  
19 paragraph, the United States Sentencing Commis-  
20 sion shall, with respect to each offense described in  
21 paragraph (1)—

22 (A) increase the base offense level for the  
23 offense—

24 (i) by not less than 3 offense levels  
25 above the applicable level in effect on the  
26 date of enactment of this Act; or

1 (ii) if the resulting base offense level  
2 after an increase under clause (i) would be  
3 less than level 27, to not less than level 27;

4 or

5 (B) if the offense created a substantial risk  
6 of danger to the health and safety of another  
7 person (including any Federal, State, or local  
8 law enforcement officer lawfully present at the  
9 location of the offense), increase the base of-  
10 fense level for the offense—

11 (i) by not less than 6 offense levels  
12 above the applicable level in effect on the  
13 date of enactment of this Act; or

14 (ii) if the resulting base offense level  
15 after an increase under clause (i) would be  
16 less than level 30, to not less than level 30.

17 (3) EMERGENCY AUTHORITY TO SENTENCING  
18 COMMISSION.—The United States Sentencing Com-  
19 mission shall promulgate amendments pursuant to  
20 this subsection as soon as practicable after the date  
21 of enactment of this Act in accordance with the pro-  
22 cedure set forth in section 21(a) of the Sentencing  
23 Act of 1987 (Public Law 100–182), as though the  
24 authority under that Act had not expired.

1 (b) EFFECTIVE DATE.—The amendments made pur-  
2 suant to this section shall apply with respect to any of-  
3 fense occurring on or after the date that is 60 days after  
4 the date of enactment of this Act.

5 **SEC. 3. INCREASED RESOURCES FOR LAW ENFORCEMENT.**

6 (a) AUTHORIZATION OF DEA FUNDS TO COMBAT  
7 METHAMPHETAMINES.—

8 (1) PURPOSE.—From amounts made available  
9 to carry out this subsection, the Administrator of  
10 the Drug Enforcement Administration shall imple-  
11 ment a comprehensive approach for targeting and  
12 investigating methamphetamine production, traffick-  
13 ing, and abuse to combat the trafficking of meth-  
14 amphetamine in areas designated by the Director of  
15 National Drug Control Policy as high intensity drug  
16 trafficking areas, which approach shall include—

17 (A) training local law enforcement agents  
18 in the detection and destruction of clandestine  
19 methamphetamine laboratories, and the pros-  
20 ecution of any offense relating to the manufac-  
21 ture, attempt to manufacture, or conspiracy to  
22 manufacture methamphetamine in violation of  
23 the Controlled Substances Act (21 U.S.C. 801  
24 et seq.), the Controlled Substances Import and  
25 Export Act (21 U.S.C. 951 et seq.), the Mari-

1 time Drug Law Enforcement Act (46 U.S.C.  
2 App. 1901 et seq.), or applicable State law;

3 (B) investigating and assisting in the pros-  
4 ecution of methamphetamine traffickers, estab-  
5 lishing a national clandestine laboratory com-  
6 puter database, reducing the availability of pre-  
7 cursor chemicals being diverted to clandestine  
8 laboratories in the United States and abroad,  
9 and cleaning up the hazardous waste generated  
10 by seized clandestine laboratories; and

11 (C) allocating agents to States with the  
12 highest rates of clandestine laboratory closures  
13 during the most recent 5 fiscal years.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to carry out  
16 this subsection—

17 (A) \$30,000,000 for fiscal year 2000; and

18 (B) such sums as may be necessary for  
19 each of fiscal years 2001 through 2004.

20 (b) HIGH INTENSITY DRUG TRAFFICKING AREAS.—

21 (1) IN GENERAL.—From amounts made avail-  
22 able to carry out this subsection, the Director of Na-  
23 tional Drug Control Policy shall combat the traffick-  
24 ing of methamphetamine in areas designated by the  
25 Director of National Drug Control Policy as high in-

1           tensity drug trafficking areas, including the hiring of  
2           new laboratory technicians in rural communities.

3           (2) AUTHORIZATION OF APPROPRIATIONS.—

4           There are authorized to be appropriated to carry out  
5           this subsection—

6                   (A) \$25,000,000 for fiscal year 2000; and

7                   (B) such sums as may be necessary for  
8                   each of fiscal years 2001 through 2004.

9           (c) EXPANDING METHAMPHETAMINE ABUSE PRE-  
10          VENTION EFFORTS.—

11           (1) PREVENTION PROGRAMS AND ACTIVITIES.—

12                   (A) IN GENERAL.—From amounts made  
13                   available to carry out this subsection, the Direc-  
14                   tor of National Drug Control Policy shall—

15                           (i) carry out community-based preven-  
16                           tion programs that are focused on those  
17                           populations within the community that are  
18                           most at-risk for methamphetamine abuse  
19                           and addiction;

20                           (ii) assist local government entities to  
21                           conduct appropriate methamphetamine  
22                           prevention activities;

23                           (iii) train and educate State and local  
24                           law enforcement officials on the signs of

1 methamphetamine abuse and addiction and  
2 the options for treatment and prevention;

3 (iv) carry out planning, administra-  
4 tion, and educational activities related to  
5 the prevention of methamphetamine abuse  
6 and addiction;

7 (v) monitor and evaluate methamphet-  
8 amine prevention activities, and report and  
9 disseminate resulting information to the  
10 public; and

11 (vi) carry out targeted pilot programs  
12 with evaluation components to encourage  
13 innovation and experimentation with new  
14 methodologies.

15 (B) PRIORITY.—In carrying out this para-  
16 graph, the Director of National Drug Control  
17 Policy shall give priority to assisting rural and  
18 urban areas that are experiencing a high rate  
19 or rapid increases in methamphetamine abuse  
20 and addiction.

21 (C) ANALYSES AND EVALUATION.—

22 (i) IN GENERAL.—Of the amount  
23 made available to carry out this subsection  
24 in each fiscal year, not less than \$500,000  
25 shall be used by the Director of National

1 Drug Control Policy, in consultation with  
2 the heads of other departments and agen-  
3 cies of the Federal Government—

4 (I) to support and conduct peri-  
5 odic analyses and evaluations of effec-  
6 tive prevention programs for meth-  
7 amphetamine abuse and addiction;  
8 and

9 (II) for the development of ap-  
10 propriate strategies for disseminating  
11 information about and implementing  
12 those programs.

13 (ii) ANNUAL REPORTS.—The Director  
14 shall annually submit to Congress a report  
15 on results of the analyses and evaluations  
16 under clause (i) during the preceding 12-  
17 month period.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to carry out  
20 this subsection—

21 (A) \$25,000,000 for fiscal year 2000; and

22 (B) such sums as may be necessary for  
23 each of fiscal years 2001 through 2004.

1 **SEC. 4. PRECURSOR CHEMICALS.**

2 Section 102(35) of the Controlled Substances Act (21  
3 U.S.C. 802(35)) is amended—

4 (1) by inserting “, or immediate precursor,”  
5 after “chemical”; and

6 (2) by adding at the end the following:

7 “(K) Red phosphorous.

8 “(L) Sodium dichromate.”.

9 **SEC. 5. METHAMPHETAMINE PARAPHERNALIA.**

10 Section 422(d) of the Controlled Substances Act  
11 (21 U.S.C. 863(d)) is amended by inserting  
12 “methamphetamines,” after “PCP,”.

○