

107TH CONGRESS
2D SESSION

S. 2763

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

IN THE SENATE OF THE UNITED STATES

JULY 19, 2002

Mrs. FEINSTEIN (for herself, Mr. HUTCHINSON, and Mr. KOHL) introduced
the following bill; which was read twice and referred to the Committee
on the Judiciary

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 of Methamphetamines Act of 2002” or
7 the “CLEAN-UP Meth Act”.

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

TITLE I—ENVIRONMENTAL PROTECTION

- Sec. 101. Response to environmental hazards associated with illegal manufacture of methamphetamine on Department of Agriculture and Department of the Interior lands.
- Sec. 102. Grant program to assist State and local government and private response to environmental hazards associated with illegal manufacture of methamphetamine on agricultural lands.
- Sec. 103. Designation of by-products of methamphetamine laboratories as hazardous materials and waste under Hazardous Materials Transportation Act and Solid Waste Disposal Act.
- Sec. 104. Grant program to assist local law enforcement agencies in the safe identification, cleanup, and disposal of methamphetamine laboratories.
- Sec. 105. Grant program to assist local law enforcement agencies in meeting the costs of complying with Federal laws relating to methamphetamine 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 laboratory 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. Elimination of blister pack exemption.
- Sec. 306. Civil penalty for violation of retail sales threshold for pseudoephedrine products.
- Sec. 307. Statement of Congress regarding availability and illegal importation of pseudoephedrine from Canada.
- Sec. 308. Study and report on organized retail theft.

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 land, land under the jurisdic-
12 tion of the Department of Agriculture, and National Park
13 System land and other land under the jurisdiction of the
14 Department of the Interior, that are contaminated with
15 any hazardous substance or pollutant associated with the
16 illegal manufacture of methamphetamine.

17 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
18 authorized to be appropriated \$15,000,000 to carry out
19 this section.

20 **SEC. 102. GRANT PROGRAM TO ASSIST STATE AND LOCAL**
21 **GOVERNMENT AND PRIVATE RESPONSE TO**
22 **ENVIRONMENTAL HAZARDS ASSOCIATED**
23 **WITH ILLEGAL MANUFACTURE OF METH-**
24 **AMPHETAMINE ON AGRICULTURAL LANDS.**

25 (a) **GRANTS AUTHORIZED.**—

1 (1) IN GENERAL.—The Secretary of Agriculture
2 may make grants to State and local governments
3 and to private persons to assist the efforts of State
4 and local governments and private persons to clean-
5 up and remediate agricultural land that is contami-
6 nated with any hazardous substance or pollutant as-
7 sociated with the illegal manufacture of meth-
8 amphetamine.

9 (2) EXCEPTION.—No grant may be made under
10 this subsection to any person that is responsible for
11 the contamination.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary of Agri-
14 culture \$15,000,000 to carry out this section.

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

20 (a) HAZARDOUS MATERIALS TRANSPORTATION
21 ACT.—The Secretary of Transportation shall use the au-
22 thority provided by section 5103 of title 49, United States
23 Code, to designate certain by-products of the methamphet-
24 amine production process as hazardous materials for pur-
25 poses of chapter 51 of such title—

1 (1) to protect the environment from the harm
2 caused by certain by-products of illegal methamphet-
3 amine laboratories; and

4 (2) to expand the civil and criminal penalties
5 available against persons that operate those labora-
6 tories.

7 (b) SOLID WASTE DISPOSAL ACT.—The Adminis-
8 trator of the Environmental Protection Agency shall use
9 the authority provided by section 3001 of the Solid Waste
10 Disposal Act (42 U.S.C. 6921) to designate certain by-
11 products of the methamphetamine production process as
12 hazardous waste for purposes of such Act (42 U.S.C. 6901
13 et seq.)—

14 (1) to protect the environment from the harm
15 caused by certain by-products of illegal methamphet-
16 amine laboratories; and

17 (2) to expand the civil and criminal penalties
18 available against persons that operate those labora-
19 tories.

20 (c) COVERED MATERIALS.—Not later than 13
21 months after the date of enactment of this Act, the Ad-
22 ministrators of the Drug Enforcement Administration shall
23 submit to the Secretary of Transportation and the Admin-
24 istrator of the Environmental Protection Agency a list of
25 by-products of the methamphetamine production process

1 that, in the event of improper disposal and inadequate re-
 2 mediation, are likely to cause long-term harm to the envi-
 3 ronment. The Administrator of the Drug Enforcement Ad-
 4 ministration shall take into consideration the report re-
 5 quired by section 106 in preparing the initial list and shall
 6 revise the list annually thereafter as necessary to reflect
 7 changes in the methamphetamine production process.

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

18 **SEC. 104. GRANT PROGRAM TO ASSIST LOCAL LAW EN-**
 19 **FORCEMENT AGENCIES IN THE SAFE IDENTI-**
 20 **FICATION, CLEANUP, AND DISPOSAL OF**
 21 **METHAMPHETAMINE LABORATORIES.**

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 2 authorized to be appropriated to carry out this section
 3 \$10,000,000 for fiscal year 2003.

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

5 (a) STUDY REQUIRED.—Not later than 1 year after
 6 the date of enactment of this Act, the Administrator of
 7 the Environmental Protection Agency shall submit to Con-
 8 gress a study of the impact of the operation of laboratories
 9 for the manufacture of methamphetamines on the environ-
 10 ment, 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 2003 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 1 year
11 after the date of enactment of this Act, the Secretary of
12 Health and Human Services shall complete the study
13 under subsection (a) and submit to Congress a report de-
14 scribing 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
20 amended—

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) by adding at the end the following:

2 “(3) \$20,000,000 for fiscal year 2003, for
3 grants under subpart 4.”;

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

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

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

9 **“SEC. 4146. GRANT PROGRAM.**

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

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

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

23 Subpart 1 of part B of title V of the Public Health
24 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:

6 **“SEC. 514C. LOCAL GRANTS FOR TREATMENT OF METH-**
7 **AMPHETAMINE ABUSE AND RELATED CONDI-**
8 **TIONS.**

9 “(a) IN GENERAL.—The Secretary may make grants
10 to political subdivisions of States and to nonprofit private
11 entities for the purpose of providing treatment for meth-
12 amphetamine abuse, subject to subsection (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) CHILDREN.—The term ‘children’ means
20 individuals who are under the age of 18.

21 “(2) QUALIFYING METHAMPHETAMINE-RE-
22 LATED EXPOSURE.—

23 “(A) IN GENERAL.—The term ‘qualifying
24 methamphetamine-related exposure’, with re-
25 spect to children, means exposure to meth-

1 amphetamine or other harmful substances as a
2 result of the proximity of the children to the
3 process of manufacturing methamphetamine or
4 the proximity of the children to associated con-
5 taminated matter.

6 “(B) ASSOCIATED CONTAMINATED MAT-
7 TER.—The term ‘associated contaminated mat-
8 ter’, with respect to the process of manufac-
9 turing methamphetamine, means food, water,
10 air, soil, equipment, or other matter that is con-
11 taminated with methamphetamine or other
12 harmful substances as a result of the proximity
13 of the matter to such process.

14 “(d) FUNDING.—

15 “(1) AUTHORIZATION OF APPROPRIATIONS.—
16 For the purpose of carrying out this section, there
17 are authorized to be appropriated \$10,000,000 for
18 fiscal year 2003.

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

1 TITLE III—ENFORCEMENT**2 SEC. 301. AUTHORIZATION OF APPROPRIATIONS RELATING**
3 TO METHAMPHETAMINE LABORATORY SEI-
4 ZURE STATISTICS.

5 In addition to any other funds authorized to be ap-
6 propriated for fiscal year 2003 for the collection, aggrega-
7 tion, and dissemination of methamphetamine laboratory
8 seizure statistics by the El Paso Intelligence Center
9 (EPIC) of the Department of Justice, there is authorized
10 to be appropriated \$2,000,000 for such purpose.

11 SEC. 302. AUTHORIZATION OF APPROPRIATIONS RELATING
12 TO COPS GRANTS.

13 (a) IN GENERAL.—In addition to any other funds au-
14 thorized to be appropriated for fiscal year 2003 for grants
15 under part Q of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.),
17 known as the COPS program, there is authorized to be
18 appropriated \$20,000,000 for such purpose to provide
19 training to State and local prosecutors and law enforce-
20 ment agents for prosecution of methamphetamine of-
21 fenses.

22 (b) RURAL SET-ASIDE.—Of amounts made available
23 pursuant to subsection (a), \$5,000,000 shall be available
24 for prosecutors and law enforcement agents for rural com-
25 munities.

1 (c) DEA REIMBURSEMENT.—Of amounts made
 2 available pursuant to subsection (a), \$2,000,000 shall be
 3 available to reimburse the Drug Enforcement Administra-
 4 tion for existing training expenses.

5 **SEC. 303. EXPANSION OF METHAMPHETAMINE HOT SPOTS**
 6 **PROGRAM TO INCLUDE PERSONNEL AND**
 7 **EQUIPMENT FOR ENFORCEMENT, PROSECU-**
 8 **TION, AND ENVIRONMENTAL CLEANUP.**

9 Section 1701(d) of the Omnibus Crime Control and
 10 Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is
 11 amended—

12 (1) in paragraph (10) by striking “and” at the
 13 end;

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

16 (3) by adding at the end the following:

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

21 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS RELATING**
 22 **TO THE CLANDESTINE LABORATORY TRAIN-**
 23 **ING.**

24 In addition to any other funds authorized to be ap-
 25 propriated for fiscal year 2003 for the facilities and per-

1 sonnel used to operate the Clandestine Laboratory Train-
2 ing Facility of the Drug Enforcement Administration, lo-
3 cated in Quantico, Virginia, there is authorized to be ap-
4 propriated \$10,000,000 for such purpose (but to include
5 not more than 20 additional fulltime positions) to provide
6 training to law enforcement personnel of all the States,
7 the District of Columbia, the Commonwealth of Puerto
8 Rico, and the territories and possessions of the United
9 States.

10 **SEC. 305. ELIMINATION OF BLISTER PACK EXEMPTION.**

11 (a) REGULATED TRANSACTION.—Section
12 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act
13 (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking
14 “, except that” and all that follows through “1996”).

15 (b) COMBINATION EPHEDRINE PRODUCT.—Section
16 102(45) of the Controlled Substances Act (21 U.S.C.
17 802(45)) is amended to read as follows:

18 “(45) The term ‘combination ephedrine prod-
19 uct’ means a drug product that contains ephedrine
20 or its salts, optical isomers, or salts of optical iso-
21 mers and therapeutically significant quantities of an-
22 other active medical ingredient.”.

23 (c) RULE OF LAW.—To the extent that there exists
24 a conflict between this Act and section 401(d) of the Com-

1 prehensive Methamphetamine Control Act of 1996 (21
2 U.S.C. 802 note), this Act shall control.

3 **SEC. 306. CIVIL PENALTY FOR VIOLATION OF RETAIL**
4 **SALES THRESHOLD FOR PSEUDOEPHEDRINE**
5 **PRODUCTS.**

6 Section 401(d)(1)(B) of the Comprehensive Meth-
7 amphetamine Control Act of 1996 (21 U.S.C. 802 note)
8 is amended—

9 (1) by striking “Any individual” and inserting
10 the following:

11 “(i) IN GENERAL.—Any individual”;

12 and

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

14 “(ii) CONSIDERATIONS FOR CIVIL
15 PENALTY.—The court, in determining a
16 civil penalty for a violation of the threshold
17 established in this paragraph, may
18 consider—

19 “(I) the exercise of due diligence
20 or good faith efforts of the individual
21 or business to prevent violations of
22 this paragraph; and

23 “(II) evidence that an individual
24 or business trained employees on how
25 to sell, transfer, or otherwise furnish

1 substances specified in this para-
2 graph, in accordance with applicable
3 law.”.

4 **SEC. 307. STATEMENT OF CONGRESS REGARDING AVAIL-**
5 **ABILITY AND ILLEGAL IMPORTATION OF**
6 **PSEUDOEPHEDRINE FROM CANADA.**

7 (a) FINDINGS.—Congress finds that—

8 (1) pseudoephedrine is one of the basic pre-
9 cursor chemicals used in the manufacture of the
10 dangerous narcotic methamphetamine;

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

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

1 ming the flow of, these containers from neighboring
2 Canada; and

3 (4) Canada lacks a comprehensive legislative
4 framework for addressing the pseudoephedrine traf-
5 ficking problem.

6 (b) CALL FOR ACTION BY CANADA.—Congress
7 strongly urges the President to seek commitments from
8 the Government of Canada to begin immediately to take
9 effective measures to stem the widespread and increasing
10 availability of pseudoephedrine in Canada and the illegal
11 importation of pseudoephedrine into the United States.

12 **SEC. 308. STUDY AND REPORT ON ORGANIZED RETAIL**
13 **THEFT.**

14 (a) STUDY.—

15 (1) IN GENERAL.—The Attorney General shall
16 conduct a study to estimate the percentage of ephed-
17 rine product used in manufacturing methamphet-
18 amine that is obtained by theft.

19 (2) ISSUES.—The study conducted under para-
20 graph (1) shall include information regarding—

21 (A) to what extent the theft of ephedrine
22 product is conducted by organized rings of
23 thieves;

24 (B) the capacity of States to address such
25 organized retail theft; and

1 (C) the need for greater Federal involve-
2 ment.

3 (b) REPORT.—Not later than 12 months after the
4 date of enactment of this Act, the Attorney General shall
5 submit a report to Congress on the results of the study
6 conducted under subsection (a).

○