

**AMENDMENT TO H.R. 3889**  
**OFFERED BY MR. SENSENBRENNER**

Strike all after the enacting clause and insert the following:

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Combat Methamphetamine Epidemic Act of 2005”.

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

Sec. 1. Short title; table of contents.

**TITLE I—DOMESTIC REGULATION OF PRECURSOR CHEMICALS**

Sec. 101. Scheduled listed chemical products; single-transaction and monthly restrictions on quantity, behind-the-counter access, and other safeguards.

Sec. 102. Regulated transactions.

Sec. 103. Authority to establish production quotas.

Sec. 104. Penalties; authority for manufacturing; quota.

Sec. 105. Restrictions on importation; authority to permit imports for medical, scientific, or other legitimate purposes.

Sec. 106. Notice of importation or exportation; approval of sale or transfer by importer or exporter.

Sec. 107. Enforcement of restrictions on importation and of requirement of notice of transfer.

Sec. 108. Coordination with United States Trade Representative.

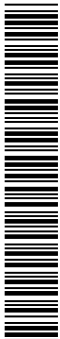
**TITLE II—INTERNATIONAL REGULATION OF PRECURSOR CHEMICALS**

Sec. 201. Information on foreign chain of distribution; import restrictions regarding failure of distributors to cooperate.

Sec. 202. Requirements relating to the largest exporting and importing countries of certain precursor chemicals.

Sec. 203. Prevention of smuggling of methamphetamine into the United States from Mexico.

**TITLE III—ENHANCED CRIMINAL PENALTIES FOR METHAMPHETAMINE PRODUCTION AND TRAFFICKING**



- Sec. 301. Possession of scheduled listed chemical with intent to manufacture controlled substance.
- Sec. 302. Smuggling methamphetamine or methamphetamine precursor chemicals into the united states while using facilitated entry programs.
- Sec. 303. Manufacturing controlled substances on Federal property.
- Sec. 304. Increased punishment for methamphetamine kingpins.
- Sec. 305. New child-protection criminal enhancement.
- Sec. 306. Amendments to certain sentencing court reporting requirements.
- Sec. 307. Semiannual reports to Congress.

TITLE IV—ENHANCED ENVIRONMENTAL REGULATION OF  
METHAMPHETAMINE BY-PRODUCTS

- Sec. 401. Biennial report to Congress on agency designations of by-products of methamphetamine laboratories as hazardous materials.
- Sec. 402. Methamphetamine production report.
- Sec. 403. Cleanup costs.

TITLE V—ADDITIONAL PROGRAMS AND ACTIVITIES

- Sec. 501. Improvements to Department of Justice drug court grant program.
- Sec. 502. Grants to hot spot areas to reduce availability of methamphetamine.
- Sec. 503. Grants for programs for drug-endangered children.

1 **TITLE I—DOMESTIC REGULA-**  
 2 **TION OF PRECURSOR CHEMI-**  
 3 **CALS**

4 **SEC. 101. SCHEDULED LISTED CHEMICAL PRODUCTS; SIN-**  
 5 **GLE-TRANSACTION AND MONTHLY RESTRIC-**  
 6 **TIONS ON QUANTITY, BEHIND-THE-COUNTER**  
 7 **ACCESS, AND OTHER SAFEGUARDS.**

8 (a) SCHEDULED LISTED CHEMICAL PRODUCTS.—

9 (1) IN GENERAL.—Section 102 of the Con-  
 10 trolled Substances Act (21 U.S.C. 802) is  
 11 amended—

12 (A) by redesignating paragraph (46) as  
 13 paragraph (49); and



1 (B) by inserting after paragraph (44) the  
2 following paragraphs:

3 “(45)(A) The term ‘scheduled listed chemical prod-  
4 uct’ means, subject to subparagraph (B), a product that—

5 “(i) contains ephedrine, pseudoephedrine, or  
6 phenylpropanolamine; and

7 “(ii) may be marketed or distributed lawfully in  
8 the United States under the Federal, Food, Drug,  
9 and Cosmetic Act as a nonprescription drug.

10 Each reference in clause (i) to ephedrine,  
11 pseudoephedrine, or phenylpropanolamine includes each of  
12 the salts, optical isomers, and salts of optical isomers of  
13 such chemical.

14 “(B) Such term does not include a product described  
15 in subparagraph (A) if the product contains a chemical  
16 specified in such subparagraph that the Attorney General  
17 has under section 201(a) added to any of the schedules  
18 under section 202(c). In the absence of such scheduling  
19 by the Attorney General, a chemical specified in such sub-  
20 paragraph may not be considered to be a controlled sub-  
21 stance.

22 “(46) The term ‘regulated seller’ means a retail dis-  
23 tributor (including a pharmacy or a mobile retail vendor),  
24 except that such term does not include an employee or  
25 agent of such distributor.



1           “(47) The term ‘mobile retail vendor’ means a person  
2 or entity that makes sales at retail from a stand that is  
3 intended to be temporary, or is capable of being moved  
4 from one location to another, whether the stand is located  
5 within or on the premises of a fixed facility (such as a  
6 kiosk at a shopping center or an airport) or whether the  
7 stand is located on unimproved real estate (such as a lot  
8 or field leased for retail purposes).

9           “(48) The term ‘at retail’, with respect to the sale  
10 or purchase of a scheduled listed chemical product, means  
11 a sale or purchase for personal use, respectively.”.

12           (2) CONFORMING AMENDMENTS.—The Con-  
13 trolled Substances Act (21 U.S.C. 801 et seq.) is  
14 amended—

15           (A) in section 102, in paragraph (49) (as  
16 redesignated by paragraph (1)(A) of this sub-  
17 section)—

18           (i) in subparagraph (A), by striking  
19 “pseudoephedrine or” and inserting  
20 “ephedrine, pseudoephedrine, or”; and

21           (ii) by striking subparagraph (B) and  
22 redesignating subparagraph (C) as sub-  
23 paragraph (B); and

24           (B) in section 310(b)(3)(D)(ii), by striking  
25 “102(46)” and inserting “102(49)”.



1 (b) SINGLE-TRANSACTION RESTRICTION ON QUAN-  
2 TITY; BEHIND-THE-COUNTER ACCESS; LOGBOOK RE-  
3 QUIREMENT; TRAINING OF SALES PERSONNEL; PRIVACY  
4 PROTECTIONS.—

5 (1) IN GENERAL.—Section 310 of the Con-  
6 trolled Substances Act (21 U.S.C. 830) is amended  
7 by adding at the end the following subsections:

8 “(d) SCHEDULED LISTED CHEMICALS; SINGLE-  
9 TRANSACTION RESTRICTION ON QUANTITY; REQUIRE-  
10 MENTS REGARDING NONLIQUID FORMS.—With respect to  
11 the quantity of ephedrine base, pseudoephedrine base, or  
12 phenylpropanolamine base in a scheduled listed chemical  
13 product—

14 “(1) the quantity of such base sold at retail in  
15 such a product by a regulated seller, or a distributor  
16 required to submit reports by subsection (b)(3)—

17 “(A) may not exceed 3.6 grams in a single  
18 transaction; and

19 “(B) may not, for any purchaser, exceed a  
20 daily amount of 3.6 grams, without regard to  
21 the number of transactions; and

22 “(2) such a seller or distributor may not sell  
23 such a product in nonliquid form at retail unless the  
24 product is packaged in blister packs, each blister  
25 containing not more than 2 dosage units, or where



1 the use of blister packs is technically infeasible, the  
2 product is packaged in unit dose packets or pouches.

3 “(e) SCHEDULED LISTED CHEMICALS; BEHIND-THE-  
4 COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING  
5 OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

6 “(1) REQUIREMENTS REGARDING RETAIL  
7 TRANSACTIONS.—

8 “(A) IN GENERAL.—Each regulated seller  
9 shall ensure that, subject to subparagraph (F),  
10 sales by such seller of a scheduled listed chem-  
11 ical product at retail are made in accordance  
12 with the following:

13 “(i) In offering the product for sale,  
14 the seller places the product such that cus-  
15 tomers do not have direct access to the  
16 product before the sale is made (in this  
17 paragraph referred to as ‘behind-the-  
18 counter’ placement). For purposes of this  
19 paragraph, a behind-the-counter placement  
20 of a product includes circumstances in  
21 which the product is stored in a locked  
22 cabinet that is located in an area of the fa-  
23 cility involved to which customers do have  
24 direct access.



1           “(ii) The seller delivers the product  
2 directly into the custody of the purchaser.

3           “(iii) The seller maintains, in accord-  
4 ance with criteria issued by the Attorney  
5 General, a written or electronic list of such  
6 sales that identifies the products, the  
7 names and addresses of purchasers, and  
8 the dates and times of the sales (which list  
9 is referred to in this subsection as the ‘log-  
10 book’).

11           “(iv) The seller does not sell such a  
12 product unless—

13                   “(I) the prospective purchaser—

14                           “(aa) presents an identifica-  
15 tion card that provides a photo-  
16 graph and is issued by a State or  
17 the Federal Government, or a  
18 document that, with respect to  
19 identification, is considered ac-  
20 ceptable for purposes of section  
21 272a.2(b)(1)(v)(A) of title 8,  
22 Code of Federal Regulations (as  
23 in effect on or after the date of  
24 the enactment of the Combat



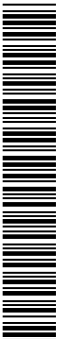
1 Methamphetamine Epidemic Act  
2 of 2005); and

3 “(bb) signs the logbook and  
4 enters in the logbook his or her  
5 name, address, and the date and  
6 time of the sale; and

7 “(II) the seller determines that  
8 the name entered in the logbook cor-  
9 responds to the name provided on  
10 such identification and that the ad-  
11 dress and the date and time entered  
12 are correct.

13 “(v) The logbook includes, in accord-  
14 ance with criteria of the Attorney General,  
15 a notice to purchasers that entering false  
16 statements or misrepresentations in the  
17 logbook may subject the purchasers to  
18 criminal penalties under section 1001 of  
19 title 18, United States Code, which notice  
20 specifies the maximum fine and term of  
21 imprisonment under such section.

22 “(vi) The seller maintains each entry  
23 in the logbook for not fewer than two years  
24 after the date on which the entry is made.



1           “(vii) In the case of individuals who  
2           are responsible for delivering such products  
3           into the custody of purchasers or who deal  
4           directly with purchasers by obtaining pay-  
5           ments for the products, the seller has sub-  
6           mitted to the Attorney General a certifi-  
7           cation that all such individuals have, in ac-  
8           cordance with criteria under subparagraph  
9           (B)(ii), undergone training provided by the  
10          seller to ensure that the individuals under-  
11          stand the requirements that apply under  
12          this subsection and subsection (d), except  
13          that such training is not required for any  
14          individual who under applicable State law  
15          is licensed as a pharmacist or is otherwise  
16          authorized to dispense controlled sub-  
17          stances pursuant to sales of such sub-  
18          stances at retail.

19           “(viii) The seller maintains a copy of  
20          such certification and records dem-  
21          onstrating that individuals described in  
22          clause (vii) have undergone the training.

23           “(ix) The seller has, in accordance  
24          with criteria of the Attorney General,  
25          taken reasonable measures to guard



1 against employing individuals who may  
2 present a risk with respect to the theft and  
3 diversion of scheduled listed chemical prod-  
4 ucts, which may include, notwithstanding  
5 State law, asking applicants for employ-  
6 ment whether they have been convicted of  
7 any crime involving or related to such  
8 products or controlled substances.

9 “(x) If the seller is a mobile retail  
10 vendor:

11 “(I) The seller complies with  
12 clause (i) through placing the product  
13 in a locked cabinet.

14 “(II) The seller does not sell  
15 more than 7.5 grams of ephedrine,  
16 pseudoephedrine, or phenylpropanola-  
17 mine in such products per customer  
18 during a 30-day period.

19 “(B) ADDITIONAL PROVISIONS REGARDING  
20 CERTIFICATIONS AND TRAINING.—

21 “(i) IN GENERAL.—A regulated seller  
22 may not sell any scheduled listed chemical  
23 product at retail unless the seller has sub-  
24 mitted to the Attorney General the certifi-  
25 cation referred to in subparagraph (A)(vii).



1 The certification is not effective for pur-  
2 poses of the preceding sentence unless, in  
3 addition to provisions regarding the train-  
4 ing of individuals referred to in such sub-  
5 paragraph, the certification includes the  
6 following statements:

7 “(I) The seller understands each  
8 of the requirements that apply under  
9 this paragraph and under subsection  
10 (d) and agrees to comply with the re-  
11 quirements.

12 “(II) The seller has submitted to  
13 the Attorney General a notice of the  
14 intent of the seller to sell such a prod-  
15 uct, which the Attorney General shall  
16 make available to relevant State and  
17 local law enforcement agencies in the  
18 locality in which the sales will be  
19 made pursuant to the certification.

20 “(ii) ISSUANCE OF CRITERIA.—The  
21 Attorney General shall by regulation estab-  
22 lish criteria for certifications under this  
23 paragraph. The criteria shall—

24 “(I) provide that a separate cer-  
25 tification is required for each place of



1 business at which a regulated seller  
2 sells scheduled listed chemical prod-  
3 ucts at retail; and

4 “(II) include criteria for training  
5 under subparagraph (A)(vii).

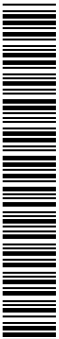
6 “(iii) PROGRAM FOR REGULATED  
7 SELLERS.—The Attorney General shall es-  
8 tablish a program regarding such certifi-  
9 cations and training in accordance with the  
10 following:

11 “(I) The program shall inform  
12 regulated sellers that section 1001 of  
13 title 18, United States Code, applies  
14 to such certifications.

15 “(II) The program shall make  
16 available to such sellers an expla-  
17 nation of the criteria under clause (ii)  
18 through an Internet site of the De-  
19 partment of Justice.

20 “(III) The program shall be de-  
21 signed to permit the submission of the  
22 certifications through such Internet  
23 site.

24 “(IV) The program shall be de-  
25 signed to automatically provide



1 through such Internet site the expla-  
2 nation referred to in subclause (II),  
3 and an acknowledgement that the De-  
4 partment has received a certification,  
5 without requiring direct interactions  
6 of regulated sellers with staff of the  
7 Department (other than the provision  
8 of technical assistance, as appro-  
9 priate).

10 “(V) The program shall include  
11 provisions encouraging regulated sell-  
12 ers to report to the Attorney General  
13 the following:

14 “(aa) Any transaction in-  
15 volving an extraordinary quantity  
16 of a scheduled listed chemical  
17 product.

18 “(bb) An uncommon method  
19 of payment or delivery for such a  
20 product, or any other cir-  
21 cumstance that such a seller be-  
22 lieves may indicate that the prod-  
23 uct will be used in violation of  
24 this title.



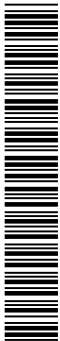
1                   “(cc) Any unusual or exces-  
2                   sive loss or disappearance of such  
3                   a product under the control of  
4                   the seller.

5                   “(dd) Any proposed trans-  
6                   action with a person whose de-  
7                   scription or other identifying  
8                   characteristic the Attorney Gen-  
9                   eral furnishes in advance to the  
10                  seller.

11                  “(iv) TRANSMITTAL OF CERTIFI-  
12                  CATION TO STATE AND LOCAL OFFI-  
13                  CIALS.—Promptly after receiving a certifi-  
14                  cation under subparagraph (A)(vii), the  
15                  Attorney General shall transmit a copy of  
16                  the certification to the appropriate State  
17                  and local officials.

18                  “(C) PRIVACY PROTECTIONS.—In order to  
19                  protect the privacy of individuals who purchase  
20                  scheduled listed chemical products, the Attorney  
21                  General shall by regulation establish restrictions  
22                  on disclosure of information in logbooks under  
23                  subparagraph (A)(iii). Such regulations shall—

24                         “(i) provide for the disclosure of the  
25                         information as appropriate to the Attorney

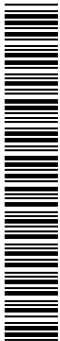


1 General and to State and local law enforce-  
2 ment agencies; and

3 “(ii) prohibit accessing, using, or  
4 sharing information in the logbooks for  
5 any purpose other than to ensure compli-  
6 ance with this Act or to facilitate a prod-  
7 uct recall to protect public health and safe-  
8 ty.

9 “(D) FALSE STATEMENTS OR MISREPRE-  
10 SENTATIONS BY PURCHASERS.—For purposes  
11 of section 1001 of title 18, United States Code,  
12 entering information in the logbook under sub-  
13 paragraph (A)(iii) shall be considered a matter  
14 within the jurisdiction of the executive, legisla-  
15 tive, or judicial branch of the Government of  
16 the United States.

17 “(E) GOOD FAITH PROTECTION.—A regu-  
18 lated seller who in good faith releases informa-  
19 tion in a logbook under subparagraph (A)(iii) to  
20 Federal, State, or local law enforcement au-  
21 thorities is immune from civil liability for such  
22 release unless the release constitutes gross neg-  
23 ligence or intentional, wanton, or willful mis-  
24 conduct.



1           “(F) INAPPLICABILITY OF REQUIREMENTS  
2 TO CERTAIN SALES.—Subparagraph (A) does  
3 not apply to the sale at retail of a scheduled  
4 listed chemical product if a report on the sales  
5 transaction is required to be submitted to the  
6 Attorney General under subsection (b)(3).”.

7           (2) EFFECTIVE DATES.—With respect to sub-  
8 sections (d) and (e)(1) of section 310 of the Con-  
9 trolled Substances Act, as added by paragraph (1)  
10 of this subsection:

11           (A) Such subsection (d) applies on and  
12 after the expiration of the 30-day period begin-  
13 ning on the date of the enactment of this Act.

14           (B) Such subsection (e)(1) applies on and  
15 after June 30, 2006.

16 (c) MAIL-ORDER REPORTING.—

17           (1) IN GENERAL.—Section 310(e) of the Con-  
18 trolled Substances Act, as added by subsection  
19 (b)(1) of this section, is amended by adding at the  
20 end the following:

21           “(2) MAIL-ORDER REPORTING; VERIFICATION  
22 OF IDENTITY OF PURCHASER; 30-DAY RESTRICTION  
23 ON QUANTITIES FOR INDIVIDUAL PURCHASERS.—  
24 Each regulated person who makes a sale at retail of  
25 a scheduled listed chemical product and is required



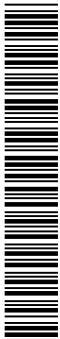
1 under subsection (b)(3) to submit a report of the  
2 sales transaction to the Attorney General is subject  
3 to the following:

4 “(A) The person shall, prior to shipping  
5 the product, confirm the identity of the pur-  
6 chaser in accordance with procedures estab-  
7 lished by the Attorney General. The Attorney  
8 General shall by regulation establish such pro-  
9 cedures.

10 “(B) The person may not sell more than  
11 7.5 grams of ephedrine, pseudoephedrine, or  
12 phenylpropanolamine in such products per cus-  
13 tomer during a 30-day period.”.

14 (2) INAPPLICABILITY OF REPORTING EXEMP-  
15 TION FOR RETAIL DISTRIBUTORS.—Section  
16 310(b)(3)(D)(ii) of the Controlled Substances Act  
17 (21 U.S.C. 830(b)(3)(D)(ii)) is amended by insert-  
18 ing before the period the following: “, except that  
19 this clause does not apply to sales of scheduled listed  
20 chemical products at retail”.

21 (3) EFFECTIVE DATE.—The amendments made  
22 by paragraphs (1) and (2) apply on and after the ex-  
23 piration of the 30-day period beginning on the date  
24 of the enactment of this Act.



1 (d) EXEMPTIONS FOR CERTAIN PRODUCTS.—Section  
2 310(e) of the Controlled Substances Act, as added and  
3 amended by subsections (b) and (c) of this section, respec-  
4 tively, is amended by adding at the end the following para-  
5 graph:

6 “(3) EXEMPTIONS FOR CERTAIN PRODUCTS.—  
7 Upon the application of a manufacturer of a sched-  
8 uled listed chemical product, the Attorney General  
9 may by regulation provide that the product is ex-  
10 empt from the provisions of this Act that apply spe-  
11 cifically to such products (as distinct from provisions  
12 that apply generally to list I chemicals or listed  
13 chemicals) if the Attorney General determines that  
14 the product cannot be used in the illicit manufacture  
15 of methamphetamine.”.

16 (e) RESTRICTIONS ON QUANTITY PURCHASED DUR-  
17 ING 30-DAY PERIOD.—

18 (1) IN GENERAL.—Section 404(a) of the Con-  
19 trolled Substances Act (21 U.S.C. 844(a)) is amend-  
20 ed by inserting after the second sentence the fol-  
21 lowing: “It shall be unlawful for any person to know-  
22 ingly or intentionally purchase at retail during a 30  
23 day period more than 7.5 grams of ephedrine,  
24 pseudoephedrine, or phenylpropanolamine in a  
25 scheduled listed chemical product.”.



1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) applies on and after the expiration  
3           of the 30-day period beginning on the date of the  
4           enactment of this Act.

5           (f) ENFORCEMENT OF REQUIREMENTS FOR RETAIL  
6 SALES.—

7           (1) CIVIL AND CRIMINAL PENALTIES.—

8                   (A) IN GENERAL.—Section 402(a) of the  
9           Controlled Substances Act (21 U.S.C. 842(a))  
10          is amended—

11                       (i) in paragraph (10), by striking “or”  
12                       after the semicolon;

13                       (ii) in paragraph (11), by striking the  
14                       period at the end and inserting a semi-  
15                       colon; and

16                       (iii) by inserting after paragraph (11)  
17                       the following paragraphs:

18                       “(12) who is a regulated seller, or a distributor  
19                       required to submit reports under subsection (b)(3)  
20                       of section 310—

21                               “(A) to knowingly or recklessly sell at re-  
22                               tail a scheduled listed chemical product in viola-  
23                               tion of paragraph (1)(A) or (2) of subsection  
24                               (d) of such section; or



1           “(B) to sell at retail such product in viola-  
2           tion of paragraph (1)(B) of such subsection (d),  
3           knowing at the time of the transaction involved  
4           (independent of consulting the logbook under  
5           subsection (e)(1)(A)(iii) of such section) that  
6           the transaction is a violation;

7           “(13) who is a regulated seller to knowingly or  
8           recklessly sell at retail a scheduled listed chemical  
9           product in violation of subsection (e) of such section;  
10          or

11          “(14) who is a regulated seller or an employee  
12          or agent of such seller to disclose, in violation of reg-  
13          ulations under subparagraph (C) of section  
14          310(e)(1), information in logbooks under subpara-  
15          graph (A)(iii) of such section, or to refuse to provide  
16          such a logbook to Federal, State, or local law en-  
17          forcement authorities.”.

18                 (B) CONFORMING AMENDMENT.—Section  
19                 401(f)(1) of the Controlled Substances Act (21  
20                 U.S.C. 841(f)(1)) is amended by inserting after  
21                 “shall” the following: “, except to the extent  
22                 that paragraph (12), (13), or (14) of section  
23                 402(a) applies,”.

24                 (2) AUTHORITY TO PROHIBIT SALES BY VIOLA-  
25                 TORS.—Section 402(c) of the Controlled Substances



1 Act (21 U.S.C. 842(c)) is amended by adding at the  
2 end the following paragraph:

3 “(4)(A) If a regulated seller, or a distributor required  
4 to submit reports under section 310(b)(3), violates para-  
5 graph (12) of subsection (a) of this section, or if a regu-  
6 lated seller violates paragraph (13) of such subsection, the  
7 Attorney General may by order prohibit such seller or dis-  
8 tributor (as the case may be) from selling any scheduled  
9 listed chemical product. Any sale of such a product in vio-  
10 lation of such an order is subject to the same penalties  
11 as apply under paragraph (2).

12 “(B) An order under subparagraph (A) may be im-  
13 posed only through the same procedures as apply under  
14 section 304(c) for an order to show cause.”.

15 (g) PRESERVATION OF STATE AUTHORITY TO REGU-  
16 LATE SCHEDULED LISTED CHEMICALS.—This section  
17 and the amendments made by this section may not be con-  
18 strued as having any legal effect on section 708 of the  
19 Controlled Substances Act as applied to the regulation of  
20 scheduled listed chemicals (as defined in section 102(45)  
21 of such Act).

22 **SEC. 102. REGULATED TRANSACTIONS.**

23 (a) CONFORMING AMENDMENTS REGARDING SCHED-  
24 ULED LISTED CHEMICALS.—The Controlled Substances  
25 Act (21 U.S.C. 801 et seq.) is amended—



1 (1) in section 102—

2 (A) in paragraph (39)(A)—

3 (i) by amending clause (iv) to read as  
4 follows:

5 “(iv) any transaction in a listed chemical  
6 that is contained in a drug that may be mar-  
7 keted or distributed lawfully in the United  
8 States under the Federal Food, Drug, and Cos-  
9 metic Act, subject to clause (v), unless—

10 “(I) the Attorney General has deter-  
11 mined under section 204 that the drug or  
12 group of drugs is being diverted to obtain  
13 the listed chemical for use in the illicit pro-  
14 duction of a controlled substance; and

15 “(II) the quantity of the listed chem-  
16 ical contained in the drug included in the  
17 transaction or multiple transactions equals  
18 or exceeds the threshold established for  
19 that chemical by the Attorney General;”;

20 (ii) by redesignating clause (v) as  
21 clause (vi); and

22 (iii) by inserting after clause (iv) the  
23 following clause:

24 “(v) any transaction in a scheduled listed  
25 chemical product; or”; and



1 (B) by striking the paragraph (45) that re-  
2 lates to the term “ordinary over-the-counter  
3 pseudoephedrine or phenylpropanolamine prod-  
4 uct”;

5 (2) in section 204, by striking subsection (e);  
6 and

7 (3) in section 303(h), in the second sentence, by  
8 striking “section 102(39)(A)(iv)” and inserting  
9 “clause (iv) or (v) of section 102(39)(A)”.

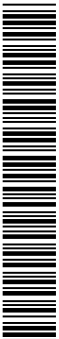
10 (b) PUBLIC LAW 104–237.—Section 401 of the Com-  
11 prehensive Methamphetamine Control Act of 1996 (21  
12 U.S.C. 802 note) (Public Law 104–237) is amended by  
13 striking subsections (d), (e), and (f).

14 **SEC. 103. AUTHORITY TO ESTABLISH PRODUCTION**  
15 **QUOTAS.**

16 Section 306 of the Controlled Substances Act (21  
17 U.S.C. 826) is amended—

18 (1) in subsection (a), by inserting “and for  
19 ephedrine, pseudoephedrine, and phenylpropanola-  
20 mine” after “for each basic class of controlled sub-  
21 stance in schedules I and II”;

22 (2) in subsection (b), by inserting “or for  
23 ephedrine, pseudoephedrine, or phenylpropanola-  
24 mine” after “for each basic class of controlled sub-



1       stance in schedule I or II” each place such term ap-  
2       pears;

3           (3) in subsection (c), in the first sentence, by  
4       inserting “and for ephedrine, pseudoephedrine, and  
5       phenylpropanolamine” after “for the basic classes of  
6       controlled substances in schedules I and II”;

7           (4) in subsection (d), by inserting “or ephed-  
8       rine, pseudoephedrine, or phenylpropanolamine”  
9       after “that basic class of controlled substance”;

10          (5) in subsection (e), by inserting “or for  
11       ephedrine, pseudoephedrine, or phenylpropanola-  
12       mine” after “for a basic class of controlled sub-  
13       stance in schedule I or II” each place such term ap-  
14       pears;

15          (6) in subsection (f)—

16           (A) by inserting “or ephedrine,  
17       pseudoephedrine, or phenylpropanolamine”  
18       after “controlled substances in schedules I and  
19       II”;

20           (B) by inserting “or of ephedrine,  
21       pseudoephedrine, or phenylpropanolamine”  
22       after “the manufacture of a controlled sub-  
23       stance”; and

24           (C) by inserting “or chemicals” after  
25       “such incidentally produced substances”; and



1 (7) by adding at the end the following sub-  
2 section:

3 “(g) Each reference in this section to ephedrine,  
4 pseudoephedrine, or phenylpropanolamine includes each of  
5 the salts, optical isomers, and salts of optical isomers of  
6 such chemical.”.

7 **SEC. 104. PENALTIES; AUTHORITY FOR MANUFACTURING;**  
8 **QUOTA.**

9 Section 402(b) of the Controlled Substances Act (21  
10 U.S.C. 842(b)) is amended by inserting after “manufac-  
11 ture a controlled substance in schedule I or II” the fol-  
12 lowing: “, or ephedrine, pseudoephedrine, or phenyl-  
13 propanolamine or any of the salts, optical isomers, or salts  
14 of optical isomers of such chemical,”

15 **SEC. 105. RESTRICTIONS ON IMPORTATION; AUTHORITY TO**  
16 **PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC,**  
17 **OR OTHER LEGITIMATE PURPOSES.**

18 Section 1002(a) of the Controlled Substances Import  
19 and Export Act (21 U.S.C. 952(a)) is amended—

20 (1) in the matter preceding paragraph (1), by  
21 inserting “or ephedrine, pseudoephedrine, or phenyl-  
22 propanolamine,” after “schedule III, IV, or V of title  
23 II,”;



1           (2) in paragraph (1), by inserting “, and of  
2 ephedrine, pseudoephedrine, and phenylpropanola-  
3 mine, ” after “coca leaves”; and

4           (3) by adding at the end the following sub-  
5 sections:

6           “(d)(1) With respect to a registrant under section  
7 1008 who is authorized under subsection (a)(1) to import  
8 ephedrine, pseudoephedrine, or phenylpropanolamine, at  
9 any time during the year the registrant may apply for an  
10 increase in the amount of such chemical that the reg-  
11 istrant is authorized to import, and the Attorney General  
12 may approve the application if the Attorney General deter-  
13 mines that the approval is necessary to provide for med-  
14 ical, scientific, or other legitimate purposes regarding the  
15 chemical.

16           “(2) With respect to the application under paragraph  
17 (1):

18           “(A) Not later than 60 days after receiving the  
19 application, the Attorney General shall approve or  
20 deny the application.

21           “(B) In approving the application, the Attorney  
22 General shall specify the period of time for which  
23 the approval is in effect, or shall provide that the  
24 approval is effective until the registrant involved is



1 notified in writing by the Attorney General that the  
2 approval is terminated.

3 “(C) If the Attorney General does not approve  
4 or deny the application before the expiration of the  
5 60-day period under subparagraph (A), the applica-  
6 tion is deemed to be approved, and such approval re-  
7 mains in effect until the Attorney General notifies  
8 the registrant in writing that the approval is termi-  
9 nated.

10 “(e) Each reference in this section to ephedrine,  
11 pseudoephedrine, or phenylpropanolamine includes each of  
12 the salts, optical isomers, and salts of optical isomers of  
13 such chemical.”.

14 **SEC. 106. NOTICE OF IMPORTATION OR EXPORTATION; AP-  
15 PROVAL OF SALE OR TRANSFER BY IM-  
16 PORTER OR EXPORTER.**

17 (a) IN GENERAL.—Section 1018 of the Controlled  
18 Substances Import and Export Act (21 U.S.C. 971) is  
19 amended—

20 (1) in subsection (b)(1), in the first sentence,  
21 by striking “or to an importation by a regular im-  
22 porter” and inserting “or to a transaction that is an  
23 importation by a regular importer”;

24 (2) by redesignating subsections (d) and (e) as  
25 subsections (e) and (f), respectively;

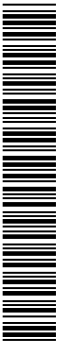


1           (3) by inserting after subsection (c) the fol-  
2           lowing subsections:

3           “(d)(1)(A) Information provided in a notice under  
4           subsection (a) or (b) shall include the name of the person  
5           to whom the importer or exporter involved intends to  
6           transfer the listed chemical involved, and the quantity of  
7           such chemical to be transferred.

8           “(B) In the case of a notice under subsection (b) sub-  
9           mitted by a regular importer, if the transferee identified  
10          in the notice is not a regular customer, such importer may  
11          not transfer the listed chemical until after the expiration  
12          of the 15-day period beginning on the date on which the  
13          notice is submitted to the Attorney General.

14          “(C) After a notice under subsection (a) or (b) is sub-  
15          mitted to the Attorney General, if circumstances change  
16          and the importer or exporter will not be transferring the  
17          listed chemical to the transferee identified in the notice,  
18          or will be transferring a greater quantity of the chemical  
19          than specified in the notice, the importer or exporter shall  
20          update the notice to identify the most recent prospective  
21          transferee or or the most recent quantity or both (as the  
22          case may be) and may not transfer the listed chemical  
23          until after the expiration of the 15-day period beginning  
24          on the date on which the update is submitted to the Attor-  
25          ney General, except that such 15-day restriction does not



1 apply if the prospective transferee identified in the update  
2 is a regular customer. The preceding sentence applies with  
3 respect to changing circumstances regarding a transferee  
4 identified in an update to the same extent and in the same  
5 manner as such sentence applies with respect to changing  
6 circumstances regarding a transferee identified in the  
7 original notice under subsection (a) or (b).

8 “(D) In the case of a transfer of a listed chemical  
9 that is subject to a 15-day restriction under subparagraph  
10 (B) or (C), the transferee involved shall, upon the expira-  
11 tion of the 15-day period, be considered to qualify as a  
12 regular customer, unless the Attorney General otherwise  
13 notifies the importer or exporter involved in writing.

14 “(2) With respect to a transfer of a listed chemical  
15 with which a notice or update referred to in paragraph  
16 (1) is concerned:

17 “(A) The Attorney General, in accordance with  
18 the same procedures as apply under subsection  
19 (c)(2)—

20 “(i) may order the suspension of the trans-  
21 fer of the listed chemical by the importer or ex-  
22 porter involved, except for a transfer to a reg-  
23 ular customer, on the ground that the chemical  
24 may be diverted to the illegal or clandestine  
25 manufacture of a controlled substance (without



1 regard to the form of the chemical that may be  
2 diverted, including the diversion of a finished  
3 drug product to be manufactured from bulk  
4 chemicals to be transferred), subject to the At-  
5 torney General ordering such suspension before  
6 the expiration of the 15-day period referred to  
7 in paragraph (1) with respect to the importa-  
8 tion or exportation (in any case in which such  
9 a period applies); and

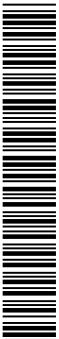
10 “(ii) may, for purposes of clause (i) and  
11 paragraph (1), disqualify a regular customer on  
12 such ground.

13 “(B) From and after the time when the Attor-  
14 ney General provides written notice of the order  
15 under subparagraph (A) (including a statement of  
16 the legal and factual basis for the order) to the im-  
17 porter or exporter, the importer or exporter may not  
18 carry out the transfer.

19 “(3) For purposes of this subsection:

20 “(A) The terms ‘importer’ and ‘exporter’ mean  
21 a regulated person who imports or exports a listed  
22 chemical, respectively.

23 “(B) The term ‘transfer’, with respect to a list-  
24 ed chemical, includes the sale of the chemical.

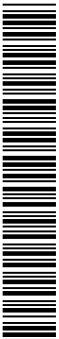


1           “(C) The term ‘transferee’ means a person to  
2           whom an importer or exporter transfers a listed  
3           chemical.”; and

4           (4) by adding at the end the following sub-  
5           sections:

6           “(g) For purposes of this section, the fact that a fin-  
7           ished drug product subsequently manufactured from bulk  
8           listed chemicals imported or exported may be diverted to  
9           the clandestine manufacture of a controlled substance by  
10          a purchaser after lawful sale at retail of the product shall  
11          not constitute sufficient grounds to suspend any import,  
12          export, or other transfer under this section.

13          “(h) Within 30 days after a transaction covered by  
14          this section is completed, the importer or exporter shall  
15          send the Attorney General a return declaration containing  
16          particulars of the transaction, including the date, quan-  
17          tity, chemical, container, name of transferees, and such  
18          other information as the Attorney General may specify in  
19          regulations. For importers, a single return declaration  
20          may include the particulars of both the importation and  
21          distribution. If the importer has not distributed all chemi-  
22          cals imported by the end of the initial 30-day period, the  
23          importer shall file supplemental return declarations no  
24          later than 30 days from the date of any further distribu-  
25          tion, until the distribution or other disposition of all



1 chemicals imported pursuant to the import notification or  
2 any update are accounted for”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) IN GENERAL.—Section 1010(d)(5) of the  
5 Controlled Substances Import and Export Act (21  
6 U.S.C. 960(d)(5)) is amended by striking “section  
7 1018(e)(2) or (3)” and inserting “paragraph (2) or  
8 (3) of section 1018(f)”.

9 (2) CONTROLLED SUBSTANCES ACT.—The Con-  
10 trolled Substances Act (21 U.S.C. 801 et seq.) is  
11 amended—

12 (A) in section 310(b)(3)(D)(v), by striking  
13 “section 1018(e)(2)” and inserting “section  
14 1018(f)(2)”; and

15 (B) in section 1018(c)(1), in the first sen-  
16 tence, by inserting before the period the fol-  
17 lowing: “(without regard to the form of the  
18 chemical that may be diverted, including the di-  
19 version of a finished drug product to be manu-  
20 factured from bulk chemicals to be trans-  
21 ferred)”.



1 **SEC. 107. ENFORCEMENT OF RESTRICTIONS ON IMPORTA-**  
2 **TION AND OF REQUIREMENT OF NOTICE OF**  
3 **TRANSFER.**

4 Section 1010(d)(6) of the Controlled Substances Im-  
5 port and Export Act (21 U.S.C. 960(d)(6)) is amended  
6 to read as follows:

7 “(6) imports a listed chemical in violation of  
8 section 1002, imports or exports such a chemical in  
9 violation of section 1007 or 1018, or transfers such  
10 a chemical in violation of section 1018(d); or”.

11 **SEC. 108. COORDINATION WITH UNITED STATES TRADE**  
12 **REPRESENTATIVE.**

13 In implementing sections 103 through 107 and sec-  
14 tion 201 of this title, the Attorney General shall consult  
15 with the United States Trade Representative to ensure im-  
16 plementation complies with all applicable international  
17 treaties and obligations of the United States.

18 **TITLE II—INTERNATIONAL REG-**  
19 **ULATION OF PRECURSOR**  
20 **CHEMICALS**

21 **SEC. 201. INFORMATION ON FOREIGN CHAIN OF DISTRIBU-**  
22 **TION; IMPORT RESTRICTIONS REGARDING**  
23 **FAILURE OF DISTRIBUTORS TO COOPERATE.**

24 Section 1018 of the Controlled Substances Import  
25 and Export Act (21 U.S.C. 971), as amended by section

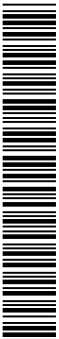


1 106(a)(3)) of this title, is further amended by adding at  
2 the end the following subsection:

3 “(i)(1) With respect to a regulated person importing  
4 ephedrine, pseudoephedrine, or phenylpropanolamine (re-  
5 ferred to in this section as an ‘importer’), a notice of im-  
6 portation under subsection (a) or (b) shall include all in-  
7 formation known to the importer on the chain of distribu-  
8 tion of such chemical from the manufacturer to the im-  
9 porter.

10 “(2) For the purpose of preventing or responding to  
11 the diversion of ephedrine, pseudoephedrine, or phenyl-  
12 propanolamine for use in the illicit production of meth-  
13 amphetamine, the Attorney General may, in the case of  
14 any person who is a manufacturer or distributor of such  
15 chemical in the chain of distribution referred to in para-  
16 graph (1) (which person is referred to in this subsection  
17 as a ‘foreign-chain distributor’), request that such dis-  
18 tributor provide to the Attorney General information  
19 known to the distributor on the distribution of the chem-  
20 ical, including sales.

21 “(3) If the Attorney General determines that a for-  
22 eign-chain distributor is refusing to cooperate with the At-  
23 torney General in obtaining the information referred to in  
24 paragraph (2), the Attorney General may, in accordance  
25 with procedures that apply under subsection (c), issue an



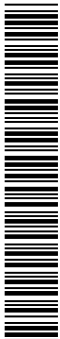
1 order prohibiting the importation of ephedrine,  
2 pseudoephedrine, or phenylpropanolamine in any case in  
3 which such distributor is part of the chain of distribution  
4 for such chemical. Not later than 60 days prior to issuing  
5 the order, the Attorney General shall publish in the Fed-  
6 eral Register a notice of intent to issue the order. During  
7 such 60-day period, imports of the chemical with respect  
8 to such distributor may not be restricted under this para-  
9 graph.”.

10 **SEC. 202. REQUIREMENTS RELATING TO THE LARGEST EX-**  
11 **PORTING AND IMPORTING COUNTRIES OF**  
12 **CERTAIN PRECURSOR CHEMICALS.**

13 (a) REPORTING REQUIREMENTS.—Section 489(a) of  
14 the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a))  
15 is amended by adding at the end the following new para-  
16 graph:

17 “(8)(A) A separate section that contains the  
18 following:

19 “(i) An identification of the five countries  
20 that exported the largest amount of  
21 pseudoephedrine, ephedrine, and phenyl-  
22 propanolamine (including the salts, optical iso-  
23 mers, or salts of optical isomers of such chemi-  
24 cals, and also including any products or sub-



1 stances containing such chemicals) during the  
2 preceding calendar year.

3 “(ii) An identification of the five countries  
4 that imported the largest amount of the chemi-  
5 cals described in clause (i) during the preceding  
6 calendar year and have the highest rate of di-  
7 version of such chemicals for use in the illicit  
8 production of methamphetamine (either in that  
9 country or in another country).

10 “(iii) An economic analysis of the total  
11 worldwide production of the chemicals described  
12 in clause (i) as compared to the legitimate de-  
13 mand for such chemicals worldwide.

14 “(B) The identification of countries that im-  
15 ported the largest amount of chemicals under sub-  
16 paragraph (A)(ii) shall be based on the following:

17 “(i) An economic analysis that estimates  
18 the legitimate demand for such chemicals in  
19 such countries as compared to the actual or es-  
20 timated amount of such chemicals that is im-  
21 ported into such countries.

22 “(ii) The best available data and other in-  
23 formation regarding the production of meth-  
24 amphetamine in such countries and the diver-



1 sion of such chemicals for use in the production  
2 of methamphetamine.”.

3 (b) ANNUAL CERTIFICATION PROCEDURES.—Section  
4 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C.  
5 2291j(a)) is amended—

6 (1) in paragraph (1), by striking “major illicit  
7 drug producing country or major drug-transit coun-  
8 try” and inserting “major illicit drug producing  
9 country, major drug-transit country, or country  
10 identified pursuant to clause (i) or (ii) of section  
11 489(a)(8)(A) of this Act”; and

12 (2) in paragraph (2), by inserting after “(as de-  
13 termined under subsection (h))” the following: “or  
14 country identified pursuant to clause (i) or (ii) of  
15 section 489(a)(8)(A) of this Act”.

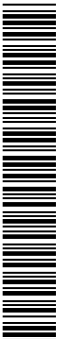
16 (c) CONFORMING AMENDMENT.—Section 706 of the  
17 Foreign Relations Authorization Act, Fiscal Year 2003  
18 (22 U.S.C. 2291j-1) is amended in paragraph (5) by add-  
19 ing at the end the following:

20 “(C) Nothing in this section shall affect the re-  
21 quirements of section 490 of the Foreign Assistance  
22 Act of 1961 (22 U.S.C. 2291j) with respect to coun-  
23 tries identified pursuant to section clause (i) or (ii)  
24 of 489(a)(8)(A) of the Foreign Assistance Act of  
25 1961.”.



1 (d) PLAN TO ADDRESS DIVERSION OF PRECURSOR  
2 CHEMICALS.—In the case of each country identified pur-  
3 suant to clause (i) or (ii) of section 489(a)(8)(A) of the  
4 Foreign Assistance Act of 1961 (as added by subsection  
5 (a)) with respect to which the President has not trans-  
6 mitted to Congress a certification under section 490(b) of  
7 such Act (22 U.S.C. 2291j(b)), the Secretary of State, in  
8 consultation with the Attorney General, shall, not later  
9 than 180 days after the date on which the President trans-  
10 mits the report required by section 489(a) of such Act (22  
11 U.S.C. 2291h(a)), submit to Congress a comprehensive  
12 plan to address the diversion of the chemicals described  
13 in section 489(a)(8)(A)(i) of such Act to the illicit produc-  
14 tion of methamphetamine in such country or in another  
15 country, including the establishment, expansion, and en-  
16 hancement of regulatory, law enforcement, and other in-  
17 vestigative efforts to prevent such diversion.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Secretary of State  
20 to carry out section 489(a)(8) of the Foreign Assistance  
21 Act of 1961 (as added by subsection (a)) \$1,000,000 for  
22 each of the fiscal years 2006 and 2007.



1 **SEC. 203. PREVENTION OF SMUGGLING OF METHAMPHET-**  
2 **AMINE INTO THE UNITED STATES FROM MEX-**  
3 **ICO.**

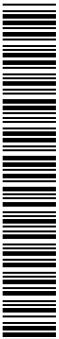
4 (a) IN GENERAL.—The Secretary of State, acting  
5 through the Assistant Secretary of the Bureau for Inter-  
6 national Narcotics and Law Enforcement Affairs, shall  
7 take such actions as are necessary to prevent the smug-  
8 gling of methamphetamine into the United States from  
9 Mexico.

10 (b) SPECIFIC ACTIONS.—In carrying out subsection  
11 (a), the Secretary shall—

12 (1) improve bilateral efforts at the United  
13 States-Mexico border to prevent the smuggling of  
14 methamphetamine into the United States from Mex-  
15 ico;

16 (2) seek to work with Mexican law enforcement  
17 authorities to improve the ability of such authorities  
18 to combat the production and trafficking of meth-  
19 amphetamine, including by providing equipment and  
20 technical assistance, as appropriate; and

21 (3) encourage the Government of Mexico to  
22 take immediate action to reduce the diversion of  
23 pseudoephedrine by drug trafficking organizations  
24 for the production and trafficking of methamphet-  
25 amine.



1 (c) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, and annually thereafter, the  
3 Secretary shall submit to the appropriate congressional  
4 committees a report on the implementation of this section  
5 for the prior year.

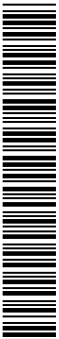
6 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Secretary to carry  
8 out this section \$4,000,000 for each of the fiscal years  
9 2006 and 2007.

10 **TITLE III—ENHANCED CRIMINAL**  
11 **PENALTIES FOR METH-**  
12 **AMPHETAMINE PRODUCTION**  
13 **AND TRAFFICKING**

14 **SEC. 301. POSSESSION OF SCHEDULED LISTED CHEMICAL**  
15 **WITH INTENT TO MANUFACTURE CON-**  
16 **TROLLED SUBSTANCE.**

17 Section 401 of the Controlled Substances Act (21  
18 U.S.C. 841) is amended by adding at the end the following  
19 subsection:

20 “(g) Except as authorized by this title, any person  
21 who knowingly or intentionally possesses a scheduled listed  
22 chemical with intent to manufacture a controlled sub-  
23 stance shall be fined in accordance with title 18, United  
24 States Code, or imprisoned for any term of years or life,  
25 or both.”.



1 **SEC. 302. SMUGGLING METHAMPHETAMINE OR METH-**  
2 **AMPHETAMINE PRECURSOR CHEMICALS**  
3 **INTO THE UNITED STATES WHILE USING FA-**  
4 **CILITATED ENTRY PROGRAMS.**

5 (a) **ENHANCED PRISON SENTENCE.**—The sentence  
6 of imprisonment imposed on a person convicted of an of-  
7 fense under the Controlled Substances Act (21 U.S.C. 801  
8 et seq.) or the Controlled Substances Import and Export  
9 Act (21 U.S.C. 951 et seq.), involving methamphetamine  
10 or any listed chemical that is defined in section 102(33)  
11 of the Controlled Substances Act (21 U.S.C. 802(33)),  
12 shall, if the offense is committed under the circumstance  
13 described in subsection (b), be increased by a consecutive  
14 term of imprisonment of not more than 15 years.

15 (b) **CIRCUMSTANCES.**—For purposes of subsection  
16 (a), the circumstance described in this subsection is that  
17 the offense described in subsection (a) was committed by  
18 a person who—

19 (1) was enrolled in, or who was acting on behalf  
20 of any person or entity enrolled in, any dedicated  
21 commuter lane, alternative or accelerated inspection  
22 system, or other facilitated entry program adminis-  
23 tered or approved by the Federal Government for  
24 use in entering the United States; and

25 (2) committed the offense while entering the  
26 United States, using such lane, system, or program.



1 (c) PERMANENT INELIGIBILITY.—Any person whose  
2 term of imprisonment is increased under subsection (a)  
3 shall be permanently and irrevocably barred from being  
4 eligible for or using any lane, system, or program de-  
5 scribed in subsection (b)(1).

6 **SEC. 303. MANUFACTURING CONTROLLED SUBSTANCES ON**  
7 **FEDERAL PROPERTY.**

8 Subsection (b) of section 401 of the Controlled Sub-  
9 stances Act (21 U.S.C. 841(b)) is amended in paragraph  
10 (5) by inserting “or manufacturing” after “cultivating”.

11 **SEC. 304. INCREASED PUNISHMENT FOR METHAMPHET-**  
12 **AMINE KINGPINS.**

13 Section 408 of the Controlled Substances Act (21  
14 U.S.C. 848) is amended by adding at the end the fol-  
15 lowing:

16 “(s) SPECIAL PROVISION FOR METHAMPHET-  
17 AMINE.—For the purposes of subsection (b), in the case  
18 of continuing criminal enterprise involving methamphet-  
19 amine or its salts, isomers, or salts of isomers, paragraph  
20 (2)(A) shall be applied by substituting ‘200’ for ‘300’, and  
21 paragraph (2)(B) shall be applied by substituting  
22 ‘\$5,000,000’ for ‘\$10 million dollars’.”



1 **SEC. 305. NEW CHILD-PROTECTION CRIMINAL ENHANCE-**  
2 **MENT.**

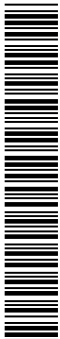
3 (a) IN GENERAL.—The Controlled Substances Act is  
4 amended by inserting after section 419 (21 U.S.C. 860)  
5 the following:

6 “CONSECUTIVE SENTENCE FOR MANUFACTURING, POS-  
7 SESSION WITH INTENT TO MANUFACTURE OR DIS-  
8 TRIBUTE METHAMPHETAMINE ON PREMISES WHERE  
9 CHILDREN ARE PRESENT OR RESIDE

10 “SEC. 419a. Whoever violates section 401(a)(1) by  
11 manufacturing, distributing or possessing with intent to  
12 manufacture or distribute methamphetamine or its salts,  
13 isomers or salts of isomers on premises in which an indi-  
14 vidual who is under the age of 18 years is present or re-  
15 sides, shall, in addition to any other sentence imposed, be  
16 imprisoned for a period of any term of years but not more  
17 than 20 years, subject to a fine, or both. ”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 of the Comprehensive Drug Abuse Prevention and Control  
20 Act of 1970 is amended by inserting after the item relat-  
21 ing to section 419 the following new item:

“419a. Consecutive sentence for manufacturing, possession with intent to manu-  
facture or distribute methamphetamine on premises where chil-  
dren are present or reside.”.



1 **SEC. 306. AMENDMENTS TO CERTAIN SENTENCING COURT**  
2 **REPORTING REQUIREMENTS.**

3 Section 994(w) of title 28, United States Code, is  
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “, in a format approved  
7 and required by the Commission,” after “sub-  
8 mits to the Commission”;

9 (B) in subparagraph (B)—

10 (i) by inserting “written” before  
11 “statement of reasons”; and

12 (ii) by inserting “and which shall be  
13 stated on the written statement of reasons  
14 form issued by the Judicial Conference and  
15 approved by the United States Sentencing  
16 Commission” after “applicable guideline  
17 range”; and

18 (C) by adding at the end the following:

19 “The information referred to in subparagraphs (A)  
20 through (F) shall be submitted by the sentencing court  
21 in a format approved and required by the Commission.”;

22 and

23 (2) in paragraph (4), by striking “may assem-  
24 ble or maintain in electronic form that include any”  
25 and inserting “itself may assemble or maintain in  
26 electronic form as a result of the”.



1 **SEC. 307. SEMIANNUAL REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—The Attorney General shall, on a  
3 semiannual basis, submit to the congressional committees  
4 and organizations specified in subsection (b) reports  
5 that—

6 (1) describe the allocation of the resources of  
7 the Drug Enforcement Administration and the Fed-  
8 eral Bureau of Investigation for the investigation  
9 and prosecution of alleged violations of this title in-  
10 volving methamphetamine; and

11 (2) the measures being taken to give priority in  
12 the allocation of such resources to such violations  
13 involving—

14 (A) persons alleged to have imported into  
15 the United States substantial quantities of  
16 methamphetamine or scheduled listed chemicals  
17 (as defined pursuant to the amendment made  
18 by section 711(a)(1));

19 (B) persons alleged to have manufactured  
20 methamphetamine; and

21 (C) circumstances in which the violations  
22 have endangered children.

23 (b) CONGRESSIONAL COMMITTEES.—The congres-  
24 sional committees and organizations referred to in sub-  
25 section (a) are—



1 (1) in the House of Representatives, the Com-  
2 mittee on the Judiciary, the Committee on Energy  
3 and Commerce, and the Committee on Government  
4 Reform; and

5 (2) in the Senate, the Committee on the Judici-  
6 ary, the Committee on Commerce, Science, and  
7 Transportation, and the Caucus on International  
8 Narcotics Control.

9 **TITLE IV—ENHANCED ENVIRON-**  
10 **MENTAL REGULATION OF**  
11 **METHAMPHETAMINE BY-**  
12 **PRODUCTS**

13 **SEC. 401. BIENNIAL REPORT TO CONGRESS ON AGENCY**  
14 **DESIGNATIONS OF BY-PRODUCTS OF METH-**  
15 **AMPHETAMINE LABORATORIES AS HAZ-**  
16 **ARDOUS MATERIALS.**

17 Section 5103 of title 49, Unites States Code, is  
18 amended by adding at the end the following:

19 “(d) BIENNIAL REPORT.—The Secretary of Trans-  
20 portation shall submit to the Committee on Transpor-  
21 tation and Infrastructure of the House of Representatives  
22 and the Senate Committee on Commerce, Science, and  
23 Transportation a biennial report providing information on  
24 whether the Secretary has designated as hazardous mate-  
25 rials for purposes of chapter 51 of such title all by-prod-



1 icts of the methamphetamine-production process that are  
2 known by the Secretary to pose an unreasonable risk to  
3 health and safety or property when transported in com-  
4 merce in a particular amount and form.”.

5 **SEC. 402. METHAMPHETAMINE PRODUCTION REPORT.**

6 Section 3001 of the Solid Waste Disposal Act (42  
7 U.S.C. 6921) is amended at the end by adding the fol-  
8 lowing:

9 “(j) METHAMPHETAMINE PRODUCTION.—Not later  
10 than every 24 months, the Administrator shall submit to  
11 the Committee on Energy and Commerce of the House  
12 of Representatives and the Committee on Environment  
13 and Public Works of the Senate a report setting forth in-  
14 formation collected by the Administrator from law enforce-  
15 ment agencies, States, and other relevant stakeholders  
16 that identifies the byproducts of the methamphetamine  
17 production process and whether the Administrator con-  
18 siders each of the byproducts to be a hazardous waste pur-  
19 suant to this section and relevant regulations.”.

20 **SEC. 403. CLEANUP COSTS.**

21 (a) IN GENERAL.—Section 413(q) of the Controlled  
22 Substances Act (21 U.S.C. 853(q)) is amended—

23 (1) in the matter preceding paragraph (1), by  
24 inserting “, the possession, or the possession with in-  
25 tent to distribute, ” after “manufacture”; and



1           (2) in paragraph (2), by inserting “, or on  
2 premises or in property that the defendant owns, re-  
3 sides, or does business in” after “by the defendant”.

4           (b) SAVINGS CLAUSE.—Nothing in this section shall  
5 be interpreted or construed to amend, alter, or otherwise  
6 affect the obligations, liabilities and other responsibilities  
7 of any person under any Federal or State environmental  
8 laws.

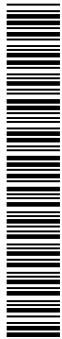
9                           **TITLE V—ADDITIONAL**  
10                          **PROGRAMS AND ACTIVITIES**

11   **SEC. 501. IMPROVEMENTS TO DEPARTMENT OF JUSTICE**  
12                           **DRUG COURT GRANT PROGRAM.**

13           Section 2951 of the Omnibus Crime Control and Safe  
14 Streets Act of 1968 (42 U.S.C. 3797u) is amended by  
15 adding at the end the following new subsection:

16           “(c) MANDATORY DRUG TESTING AND MANDATORY  
17 SANCTIONS.—

18                       “(1) MANDATORY TESTING.—Grant amounts  
19 under this part may be used for a drug court only  
20 if the drug court has mandatory periodic testing as  
21 described in subsection (a)(3)(A). The Attorney  
22 General shall, by prescribing guidelines or regula-  
23 tions, specify standards for the timing and manner  
24 of complying with such requirements. The  
25 standards—



1 “(A) shall ensure that—

2 “(i) each participant is tested for  
3 every controlled substance that the partici-  
4 pant has been known to abuse, and for any  
5 other controlled substance the Attorney  
6 General or the court may require; and

7 “(ii) the testing is accurate and prac-  
8 ticable; and

9 “(B) may require approval of the drug  
10 testing regime to ensure that adequate testing  
11 occurs.

12 “(2) MANDATORY SANCTIONS.—The Attorney  
13 General shall, by prescribing guidelines or regula-  
14 tions, specify that grant amounts under this part  
15 may be used for a drug court only if the drug court  
16 imposes graduated sanctions that increase punitive  
17 measures, therapeutic measures, or both whenever a  
18 participant fails a drug test. Such sanctions and  
19 measures may include, but are not limited to, one or  
20 more of the following:

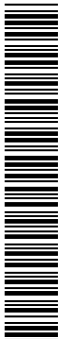
21 “(A) Incarceration.

22 “(B) Detoxification treatment.

23 “(C) Residential treatment.

24 “(D) Increased time in program.

25 “(E) Termination from the program.



1           “(F) Increased drug screening require-  
2           ments.

3           “(G) Increased court appearances.

4           “(H) Increased counseling.

5           “(I) Increased supervision.

6           “(J) Electronic monitoring.

7           “(K) In-home restriction.

8           “(L) Community service.

9           “(M) Family counseling.

10          “(N) Anger management classes.”.

11 **SEC. 502. GRANTS TO HOT SPOT AREAS TO REDUCE AVAIL-**  
12 **ABILITY OF METHAMPHETAMINE.**

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

16                   **“PART II—CONFRONTING USE OF**  
17                   **METHAMPHETAMINE**

18 **“SEC. 2996. AUTHORITY TO MAKE GRANTS TO ADDRESS**  
19 **PUBLIC SAFETY AND METHAMPHETAMINE**  
20 **MANUFACTURING, SALE, AND USE IN HOT**  
21 **SPOTS.**

22          “(a) PURPOSE AND PROGRAM AUTHORITY.—

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



1           “(A) to carry out programs to address the  
2           manufacture, sale, and use of methamphet-  
3           amine drugs; and

4           “(B) to improve the ability of State and  
5           local government institutions of to carry out  
6           such programs.

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

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

16               “(A) investigate, arrest and prosecute indi-  
17               viduals violating laws related to the use, manu-  
18               facture, or sale of methamphetamine;

19               “(B) reimburse the Drug Enforcement Ad-  
20               ministration for expenses related to the clean  
21               up of methamphetamine clandestine labs and  
22               related environmental damage;

23               “(C) support State and local health depart-  
24               ment and environmental agency services de-  
25               ployed to address methamphetamine; and



1           “(D) procure equipment, technology, or  
2           support systems, or pay for resources, if the ap-  
3           plicant for such a grant demonstrates to the  
4           satisfaction of the Attorney General that ex-  
5           penditures for such purposes would result in  
6           the reduction in the use, sale, and manufacture  
7           of methamphetamine.

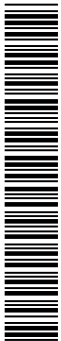
8   **“SEC. 2997. FUNDING.**

9           “There are authorized to be appropriated to carry out  
10          this part \$99,000,000 for each fiscal year 2006, 2007,  
11          2008, 2009, and 2010.”.

12   **SEC. 503. GRANTS FOR PROGRAMS FOR DRUG-ENDAN-**  
13                   **GERED CHILDREN.**

14          (a) IN GENERAL.—The Attorney General, shall make  
15          grants to States for the purpose of carrying out programs  
16          to provide a comprehensive response to aid children who  
17          are living in a home in which methamphetamine or other  
18          controlled substances are unlawfully manufactured, ad-  
19          ministered, or distributed.

20          (b) CERTAIN REQUIREMENTS.—The Attorney Gen-  
21          eral shall ensure that the procedures and services of pro-  
22          grams carried out with grants under subsection (a) include  
23          the following:



1           (1) Coordination among law enforcement agen-  
2           cies, prosecutors, child protective services, and  
3           health professionals.

4           (2) Removal of children from toxic or drug-en-  
5           dangering environments.

6           (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
7           purpose of carrying out this section, there are authorized  
8           to be appropriated \$20,000,000 for each of the fiscal years  
9           2006 and 2007. Amounts appropriated under the pre-  
10          ceding sentence shall remain available until expended.

