

104TH CONGRESS
2^D SESSION

H. R. 3067

To control access to precursor chemicals used to manufacture methamphetamine and other illicit narcotics, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1996

Mr. FAZIO of California (for himself and Mr. RIGGS) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on the Judiciary and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To control access to precursor chemicals used to manufacture methamphetamine and other illicit narcotics, 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 “Methamphetamine
5 Control Act of 1996”.

1 **SEC. 2. REGULATION OF CHEMICAL SUPPLY HOUSES.**

2 Section 310 of the Controlled Substances Act (21
3 U.S.C. 830) is amended by adding at the end the following
4 new subsection:

5 “(d)(1) Any chemical supply house that sells a listed
6 chemical, after having been provided a warning under
7 paragraph (2) within the previous 10 years, to a person
8 who uses, or intends or attempts to use, the listed chemi-
9 cal, or causes the listed chemical to be used or attempted
10 to be used, to manufacture or produce methamphetamine
11 shall—

12 “(A) be subject to a civil penalty of not more
13 than \$250,000; or

14 “(B) for the second violation of this subsection,
15 be ordered to cease the production and sale of any
16 chemicals.

17 “(2) The Attorney General, acting through the Ad-
18 ministrator of the Drug Enforcement Administration,
19 shall provide a written warning to each chemical supply
20 house that violates paragraph (1).

21 “(3) For purposes of this subsection, the term ‘chemi-
22 cal supply house’ means any manufacturer, wholesaler, or
23 retailer, who owns, or who represents the owner of, any
24 operation or business enterprise engaging in regulated
25 transactions.

1 “(4) All amounts received from enforcement of the
2 civil penalty under paragraph (1) shall be used by the Ad-
3 ministrator of the Environmental Protection Agency for
4 the environmental cleanup of clandestine laboratories
5 used, or intended or attempted to be used, to manufacture
6 methamphetamine.”.

7 **SEC. 3. INCREASED PENALTIES FOR POSSESSION AND DIS-**
8 **TRIBUTION OF LISTED CHEMICALS.**

9 (a) IN GENERAL.—Section 401(d) of the Controlled
10 Substances Act (21 U.S.C. 841(d)) is amended by striking
11 “10 years” and inserting “20 years in a case involving
12 a list I chemical or 10 years in a case involving a list II
13 chemical”.

14 (b) AMENDMENT OF SENTENCING GUIDELINES.—
15 The United States Sentencing Commission shall amend
16 the Federal Sentencing Guidelines to reflect the amend-
17 ment made by subsection (a).

18 **SEC. 4. INCREASED PENALTIES FOR MANUFACTURE AND**
19 **POSSESSION OF EQUIPMENT USED TO MAKE**
20 **METHAMPHETAMINE.**

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

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

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) Any person who, with the intent to manufacture
4 methamphetamine, violates subsection (a) (6) or (7), shall
5 be sentenced to a term of imprisonment of not more than
6 10 years, a fine of not more than \$30,000, or both.”.

7 **SEC. 5. REGULATION OF PSEUDOEPHEDRINE.**

8 Section 102(39)(A)(iv) of the Controlled Substances
9 Act (21 U.S.C. 802(39)(A)(iv)) is amended by striking
10 “ephedrine” each place it appears and inserting “ephed-
11 rine or pseudoephedrine,”.

12 **SEC. 6. ADDITION OF SUBSTANCES TO DEFINITION OF LIST-**
13 **ED CHEMICALS.**

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

16 (1) in paragraph (34), by adding at the end the
17 following new subparagraph:

18 “(Y) Iodine.”; and

19 (2) in paragraph (35), by adding at the end the
20 following new subparagraphs:

21 “(I) Red phosphorous.

22 “(J) Hydrochloric gas.”.

23 **SEC. 7. SUPPORT FOR INTERNATIONAL EFFORTS TO CON-**
24 **TROL DRUGS.**

25 It is the sense of the Congress that—

1 (1) the rise in manufacture and usage of the il-
2 legal narcotic methamphetamine is of major concern
3 to the United States;

4 (2) a substantial portion of the ephedrine used
5 to make methamphetamine is smuggled across the
6 United States-Mexico border;

7 (3) the countries of China, India, the Czech Re-
8 public, Germany, and Slovenia are the largest manu-
9 facturers of ephedrine and pseudoephedrine;

10 (4) one means of preventing the international
11 diversion of ephedrine and pseudoephedrine is the
12 letter of nonobjection, which requires that the gov-
13 ernment of a country receiving a shipment of the
14 chemical is aware of and approves the shipment, the
15 quantity involved, the company receiving the ship-
16 ment, and the ultimate use of the chemical;

17 (5) therefore, all ephedrine and pseu-
18 doephedrine producing countries should require let-
19 ters of nonobjection from the Mexican Government
20 before exporting ephedrine or pseudoephedrine to
21 that country; and

22 (6) all ephedrine and pseudoephedrine produc-
23 ing countries and Mexico should cooperate in any

- 1 way possible to deter the smuggling of ephedrine
- 2 and pseudoephedrine into the United States.

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