

109TH CONGRESS
1ST SESSION

H. R. 3513

To provide for enhanced Federal penalties for production, distribution, trafficking, and possession of methamphetamine, listed chemicals, and other controlled substances, and for other offenses related to such production, distribution, trafficking, and possession; and to provide for enhanced residential substance abuse treatment programs for State and Federal prisoners.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. KENNEDY of Minnesota (for himself and Ms. HOOLEY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 provide for enhanced Federal penalties for production, distribution, trafficking, and possession of methamphetamine, listed chemicals, and other controlled substances, and for other offenses related to such production, distribution, trafficking, and possession; and to provide for enhanced residential substance abuse treatment programs for State and Federal prisoners.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Solutions to Limit the Abuse of Methamphetamine
4 (SLAM) Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Enhanced penalties for methamphetamine production, possession, or trafficking.

Sec. 3. Enhanced penalties for offenses involving listed chemicals.

Sec. 4. Offenses associated with manufacturing controlled substances.

Sec. 5. Enhanced residential substance abuse treatment programs for State and Federal prisoners.

Sec. 6. METHWATCH program; information for persons selling at retail.

7 **SEC. 2. ENHANCED PENALTIES FOR METHAMPHETAMINE**
8 **PRODUCTION, POSSESSION, OR TRAF-**
9 **FICKING.**

10 (a) MANUFACTURE, DISTRIBUTION, DISPENSATION,
11 OR CERTAIN POSSESSION OF METHAMPHETAMINE.—Sec-
12 tion 401 of the Controlled Substances Act (21 U.S.C. 841)
13 is amended—

14 (1) in subsection (b)(1)(A)(viii)—

15 (A) by striking “50 grams” and inserting
16 “10 grams”; and

17 (B) by striking “500 grams” and inserting
18 “100 grams”; and

19 (2) in subsection (b)(1)(B)(viii)—

20 (A) by striking “5 grams” and inserting
21 “3 grams”; and

1 (B) by striking “50 grams” and inserting
2 “30 grams”.

3 (b) IMPORTATION OR EXPORTATION OF METH-
4 AMPHETAMINE.—Section 1010 of the Controlled Sub-
5 stances Import and Export Act (21 U.S.C. 960) is amend-
6 ed—

7 (1) in subsection (b)(1)(H)—

8 (A) by striking “50 grams” and inserting
9 “10 grams”; and

10 (B) by striking “500 grams” and inserting
11 “100 grams”; and

12 (2) in subsection (b)(2)(H)—

13 (A) by striking “5 grams” and inserting
14 “3 grams”; and

15 (B) by striking “50 grams” and inserting
16 “30 grams”.

17 (c) SMUGGLING METHAMPHETAMINE OR METH-
18 AMPHETAMINE PRECURSOR CHEMICALS INTO THE
19 UNITED STATES WHILE USING FACILITATED ENTRY
20 PROGRAMS.—

21 (1) ENHANCED PRISON SENTENCE.—The sen-
22 tence of imprisonment imposed on a person con-
23 victed of an offense under the Controlled Substances
24 Act (21 U.S.C. 801 et seq.) or the Controlled Sub-
25 stances Import and Export Act (21 U.S.C. 951 et

1 seq.), involving methamphetamine or any listed
2 chemical that is defined in section 102(33) of the
3 Controlled Substances Act (21 U.S.C. 802(33)),
4 shall, if the offense is committed under the cir-
5 cumstance described in paragraph (2), be increased
6 by a period of not less than one year and not more
7 than 10 years.

8 (2) CIRCUMSTANCES.—For purposes of para-
9 graph (1), the circumstance described in this para-
10 graph is that the offense described in paragraph (1)
11 was committed by a person who—

12 (A) was enrolled in, or who was acting on
13 behalf of any person or entity enrolled in, any
14 dedicated commuter lane, alternative or acceler-
15 ated inspection system, or other facilitated
16 entry program administered or approved by the
17 Federal Government for use in entering the
18 United States; and

19 (B) committed the offense while entering
20 the United States, using such lane, system, or
21 program.

22 (3) PERMANENT INELIGIBILITY.—Any person
23 found guilty under paragraph (1) shall be perma-
24 nently and irrevocably barred from being eligible for

1 or using any lane, system, or program described in
2 paragraph (2)(A).

3 **SEC. 3. ENHANCED PENALTIES FOR OFFENSES INVOLVING**
4 **LISTED CHEMICALS.**

5 (a) POSSESSION OF LISTED CHEMICALS WITH IN-
6 TENT TO MANUFACTURE.—Subsection (c) of section 401
7 of the Controlled Substances Act (21 U.S.C. 841(c)) is
8 amended—

9 (1) by striking “or imprisoned” and inserting
10 “and imprisoned not less than 10 years and”;

11 (2) by striking “20 years” and inserting “30
12 years”; and

13 (3) by striking “, or both”.

14 (b) CAUSING EVASION OF RECORDING REQUIRE-
15 MENTS.—Such subsection is further amended—

16 (1) by striking “or” before “not more than 10
17 years” and inserting “and not less than 3 years
18 and”; and

19 (2) by striking “, or both”.

20 (c) KNOWING DISTRIBUTION OR CERTAIN KNOWING
21 POSSESSION OF LISTED CHEMICALS.—Subsection (f) of
22 section 401 of such Act (21 U.S.C. 841(f)) is amended—

23 (1) in paragraph (1)—

1 (A) by striking “or imprisoned” and in-
 2 serting “and imprisoned not less than 3 years
 3 and”; and

4 (B) by striking “5 years, or both” and in-
 5 serting “10 years”; and

6 (2) in paragraph (2)—

7 (A) by striking “or imprisoned” and in-
 8 serting “and imprisoned not less than 1 year
 9 and”; and

10 (B) by striking “one year, or both” and in-
 11 serting “5 years”.

12 (d) EVADING REQUIREMENTS FOR ACQUIRING, CRE-
 13 ATING, OR TRAFFICKING LISTED CHEMICALS OR CHEM-
 14 ICAL MIXTURES.—Section 403(d) of such Act (21 U.S.C.
 15 843(d)) is amended—

16 (1) in paragraph (1), by striking “paragraph
 17 (2)” and inserting “paragraphs (2) and (3)”; and

18 (2) by inserting after paragraph (2) the fol-
 19 lowing new paragraph:

20 “(3) Any person who violates paragraph (4)(B),
 21 (8), or (9) of subsection (a) shall be fined under title
 22 18, United States Code, and sentenced to a term of
 23 imprisonment of not less than 2 years and not more
 24 than 10 years; except that if any person commits
 25 such a violation after one or more prior convictions

1 of that person for violation of this section, or for a
2 felony under any other provision of this title or title
3 III or other law of the United States relating to nar-
4 cotic drugs, marihuana, or depressant or stimulant
5 substances, has become final, such person shall be
6 fined under title 18, United States Code, and sen-
7 tenced to a term of imprisonment of not less than
8 4 years and not more than 20 years.”.

9 (e) IMPORTATION OF LISTED CHEMICALS WITH IN-
10 TENT TO MANUFACTURE CONTROLLED SUBSTANCES.—
11 Section 1010(d) of the Controlled Substances Import and
12 Export Act (21 U.S.C. 960(d)) is amended—

13 (1) in paragraph (7), by striking the period at
14 the end and inserting a comma;

15 (2) by striking “title 18, imprisoned not more
16 than 20” and inserting “title 18, United States
17 Code, and imprisoned not less than 10 years and not
18 more than 30”;

19 (3) by inserting “not less than 3 years and” be-
20 fore “not more than 10 years”; and

21 (4) by striking “, or both”.

22 **SEC. 4. OFFENSES ASSOCIATED WITH MANUFACTURING**
23 **CONTROLLED SUBSTANCES.**

24 (a) MANUFACTURING CONTROLLED SUBSTANCES ON
25 FEDERAL PROPERTY.—Subsection (b) of section 401 of

1 the Controlled Substances Act (21 U.S.C. 841(b)) is
2 amended in paragraph (5) by inserting “or manufac-
3 turing” after “cultivating”.

4 (b) ENVIRONMENTAL CONTAMINATION OF FEDERAL
5 PROPERTY BECAUSE OF METHAMPHETAMINE PRODUC-
6 TION.—Such subsection is further amended by striking
7 the period at the end of paragraph (6) and inserting “,
8 except that if the violation is in any way connected with
9 the production of methamphetamine, such person shall be
10 fined in accordance with title 18, United States Code, and
11 imprisoned for not less than 1 year and not more than
12 10 years.”.

13 (c) ENHANCED PENALTIES FOR POSSESSION OF
14 CERTAIN TOOLS USED TO MANUFACTURE METHAMPHET-
15 AMINE.—Section 403(d)(2) of such Act (21 U.S.C.
16 843(d)(2)) is amended—

17 (1) by striking “sentenced to a term of impris-
18 onment of not more than 10 years, a fine under title
19 18, United States Code, or both” and inserting
20 “fined under title 18, United States Code, and sen-
21 tenced to a term of imprisonment of not less than
22 5 years and not more than 20 years”; and

23 (2) by striking “sentenced to a term of impris-
24 onment of not more than 20 years, a fine under title
25 18, United States Code, or both” and inserting

1 “fined under title 18, United States Code, and sen-
 2 tenced to a term of imprisonment of not less than
 3 10 years and not more than 40 years”.

4 (d) ENHANCED PENALTIES FOR MAINTAINING
 5 DRUG-INVOLVED PREMISES.—Section 416(b) of such Act
 6 (21 U.S.C. 856(b)) is amended by striking “a term of im-
 7 prisonment of not more than 20 years or a fine of not
 8 more than \$500,000, or both” and inserting “a term of
 9 imprisonment of not less than 5 years and not more than
 10 20 years and a fine of not more than \$500,000”.

11 (e) ENDANGERING HUMAN LIFE WHILE ILLEGALLY
 12 MANUFACTURING CONTROLLED SUBSTANCES.—

13 (1) IN GENERAL.—Section 417 of such Act (21
 14 U.S.C. 858) is amended by striking “or imprisoned
 15 not more than 10 years, or both” and inserting “and
 16 sentenced to a term of imprisonment of not less than
 17 10 years and not more than 40 years;”.

18 (2) EXCEPTION FOR ENHANCED PENALTIES
 19 FOR ENDANGERING LIFE OF MINORS.—Such section
 20 is further amended by inserting after “not more
 21 than 40 years”, as inserted by paragraph (1), “ex-
 22 cept that in the case of the creation of a substantial
 23 risk of harm to the life of an individual less than 18
 24 years of age, whoever violates this section shall be
 25 fined in accordance with title 18, United States

1 Code, and sentenced to a term of imprisonment of
 2 not less than 20 years and not more than life im-
 3 prisonment”.

4 (f) SEXUAL ABUSE, SEXUAL EXPLOITATION, OR CO-
 5 ERCIVE PROSTITUTION WHILE ILLEGALLY MANUFAC-
 6 TURING, DISTRIBUTING, DISPENSING, TRANSPORTING, OR
 7 POSSESSING CONTROLLED SUBSTANCES.—

8 (1) IN GENERAL.—Such Act is amended in part
 9 D by adding at the end the following new section:

10 **“SEC. 424. SEXUAL ABUSE, SEXUAL EXPLOITATION, OR CO-**
 11 **ERCIVE PROSTITUTION WHILE ILLEGALLY**
 12 **MANUFACTURING, DISTRIBUTING, DIS-**
 13 **PENSING, POSSESSING, OR TRANSPORTING**
 14 **CONTROLLED SUBSTANCES.**

15 **“(a) PENALTY FOR CERTAIN SEXUAL ABUSE, SEX-**
 16 **UAL EXPLOITATION, OR COERCIVE PROSTITUTION.—**
 17 Whoever, while manufacturing, distributing, dispensing,
 18 or possessing a controlled substance in violation of this
 19 title, or attempting to do so, or transporting or causing
 20 to be transported materials (including chemicals), or at-
 21 tempting to do so, commits a covered sex crime against
 22 an individual shall be fined in accordance with title 18,
 23 United States Code, and sentenced to a term of imprison-
 24 ment of not less than 10 years and not more than 20
 25 years; except that in the case of a covered sex crime com-

1 mitted against an individual less than 18 years of age,
2 whoever violates this section shall be fined in accordance
3 with such time, and sentenced to a term of imprisonment
4 of not less than 25 years and not more than life imprison-
5 ment.

6 “(b) COVERED SEX CRIME.—For purposes of sub-
7 section (a), a covered sex crime is any of the following:

8 “(1) SEXUAL ABUSE.—

9 “(A) Causing (or attempting to cause) an
10 individual to engage in a sexual act by threat-
11 ening or placing that individual in fear.

12 “(B) Engaging (or attempting to engage)
13 in a sexual act with an individual if that indi-
14 vidual is—

15 “(i) incapable of appraising the na-
16 ture of the conduct; or

17 “(ii) physically incapable of declining
18 participation in, or communicating unwill-
19 ingness to engage in, that sexual act.

20 “(2) SEXUAL EXPLOITATION.—Employing,
21 using, persuading, inducing, enticing, or coercing (or
22 attempting to employ, use, persuade, induce, entice,
23 or coerce) an individual to engage in, or assist any
24 other individual to engage in, any sexually explicit

1 conduct for the purpose of producing any visual de-
2 piction of such conduct.

3 “(3) COERCED PROSTITUTION.—Persuading,
4 inducing, enticing, or coercing (or attempting to per-
5 suade, induce, entice, or coerce) an individual to en-
6 gage in prostitution, or in any sexual activity for
7 which an individual may be charged with a criminal
8 offense.

9 “(4) RESULTANT PROSTITUTION.—Distributing
10 or dispensing a controlled substance to an individual
11 who engages in prostitution as a result or likely re-
12 sult of such distribution or dispensation.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents of such Act is amended by adding at the end
15 the following new item:

“Sec. 424. Sexual abuse, sexual exploitation, or coerced prostitution while ille-
gally manufacturing, distributing, dispensing, possessing, or
transporting controlled substances.”.

16 **SEC. 5. ENHANCED RESIDENTIAL SUBSTANCE ABUSE**
17 **TREATMENT PROGRAMS FOR STATE AND**
18 **FEDERAL PRISONERS.**

19 (a) ENHANCED RESIDENTIAL SUBSTANCE ABUSE
20 TREATMENT PROGRAM FOR STATE PRISONERS.—

21 (1) ENHANCED DRUG SCREENINGS REQUIRE-
22 MENT.—Subsection (b) of section 1902 of the Omni-
23 bus Crime Control and Safe Streets Act of 1968 (42
24 U.S.C. 3796ff–1(b)) is amended to read as follows:

1 “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—

2 To be eligible to receive funds under this part, a State

3 must agree—

4 “(1) to implement or continue to require urinal-

5 ysis or other proven reliable forms of testing, includ-

6 ing both periodic and random testing—

7 “(A) of an individual before the individual

8 enters a residential substance abuse treatment

9 program and during the period in which the in-

10 dividual participates in the treatment program;

11 and

12 “(B) of an individual released from a resi-

13 dential substance abuse treatment program if

14 the individual remains in the custody of the

15 State; and

16 “(2) to require, as a condition of participation

17 in the treatment program, that such testing indicate

18 that the individual has not used a controlled sub-

19 stance for at least the three-month period prior to

20 the date the individual receives such testing to enter

21 the treatment program.”.

22 (2) AFTERCARE SERVICES REQUIREMENT.—

23 Subsection (c) of such section is amended—

24 (A) in paragraph (1), by striking “To be

25 eligible for a preference under this part” and

1 inserting “To be eligible to receive funds under
2 this part”; and

3 (B) by amending the heading to read as
4 follows:

5 “(c) AFTERCARE SERVICES REQUIREMENT.—”.

6 (3) PRIORITY FOR PARTNERSHIPS WITH COM-
7 MUNITY-BASED DRUG TREATMENT PROGRAMS.—Sec-
8 tion 1903 of such Act (42 U.S.C. 3796ff-2) is
9 amended by adding at the end the following new
10 subsection:

11 “(e) PRIORITY FOR PARTNERSHIPS WITH COMMU-
12 NITY-BASED DRUG TREATMENT PROGRAMS.—In consid-
13 ering an application submitted by a State under section
14 1902, the Attorney General shall give priority to an appli-
15 cation that involves a partnership between the State and
16 a community-based drug treatment program within the
17 State.”.

18 (4) RESIDENTIAL SUBSTANCE ABUSE TREAT-
19 MENT PROGRAM REDEFINED.—Section 901(a)(25)
20 of such Act (42 U.S.C. 3791(a)(25)) is amended by
21 striking “means a course of” and all that follows
22 and inserting “means a course of individual and
23 group activities and treatment, lasting at least six
24 months, in residential treatment facilities set apart
25 from the general prison population.”.

1 (b) ENHANCED RESIDENTIAL SUBSTANCE ABUSE
2 TREATMENT PROGRAM FOR FEDERAL PRISONERS.—

3 (1) SUBSTANCE ABUSE TESTING REQUIRE-
4 MENT.—

5 (A) TESTING REQUIRED AS COMPONENT
6 OF PROGRAM.—Subsection (b) of section 3621
7 of title 18, United States Code, is amended by
8 adding at the end the following new sentence:
9 “Such treatment shall include urinalysis or
10 other proven reliable forms of testing, including
11 both periodic and random testing, of such a
12 prisoner before the prisoner enters the treat-
13 ment program and during the period in which
14 the prisoner participates in the treatment pro-
15 gram.”.

16 (B) PASSAGE OF TEST AS CONDITION OF
17 PARTICIPATION.—Subsection (e)(5)(B) of such
18 section is amended—

19 (i) in clause (i), by striking “and” at
20 the end; and

21 (ii) by inserting at the end the fol-
22 lowing new clause:

23 “(iii) determined by the Director of
24 the Bureau of Prisons, through use of uri-
25 nalysis or other proven reliable forms of

1 testing, to have not used a controlled sub-
2 stance for at least the three-month period
3 prior to the date the prisoner enters resi-
4 dential substance abuse treatment; and”.

5 (2) RESIDENTIAL SUBSTANCE ABUSE TREAT-
6 MENT REDEFINED.—Paragraph (5)(A) of such sec-
7 tion is amended by striking “means a course of” and
8 all that follows through the semicolon at the end of
9 clause (ii) and inserting “means a course of indi-
10 vidual and group activities and treatment, lasting at
11 least six months, in residential treatment facilities
12 set apart from the general prison population;”.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—
14 Paragraph (4) of such section is amended—

15 (A) in subparagraph (D), by striking
16 “and” at the end;

17 (B) in subparagraph (E), by striking the
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following new
20 subparagraph:

21 “(F) and such sums as may be necessary
22 in subsequent fiscal years.”.

1 **SEC. 6. METHWATCH PROGRAM; INFORMATION FOR PER-**
2 **SONS SELLING AT RETAIL.**

3 (a) IN GENERAL.—The Attorney General, acting
4 through the Administrator of the Drug Enforcement Ad-
5 ministration and in consultation with the States, shall
6 carry out a program to provide information to retailers
7 regarding the purchase of precursor products by individ-
8 uals who may intend to use the products in the illicit pro-
9 duction of methamphetamine.

10 (b) CERTAIN REQUIREMENTS.—The activities of the
11 Attorney General in carrying out the program under sub-
12 section (a) shall include the following:

13 (1) Providing information to retailers on pre-
14 venting the sale of precursor products to individuals
15 referred to in such subsection and on preventing the
16 theft of the products by such individuals.

17 (2) Establishing a system through which retail-
18 ers can report suspicious purchases of precursor
19 products and obtain appropriate technical assistance.
20 The system shall use an Internet site (or portion
21 thereof), or toll-free telephone communications, or
22 both, as determined appropriate by the Attorney
23 General.

24 (3) Encouraging retailers to place precursor
25 products such that customers do not have direct ac-

1 cess to the products (commonly known as behind the
2 counter).

3 (c) DESIGNATION OF PROGRAM.—The program
4 under subsection (a) shall be designated by the Attorney
5 General as the MethWatch program.

6 (d) DEFINITIONS.—For purposes of this section:

7 (1) The term “retailers” means persons whose
8 registrations pursuant to section 303(h) of the Con-
9 trolled Substances Act authorize sales of ephedrine,
10 pseudoephedrine, or phenylpropanolamine at retail.

11 (2) The term “precursor products” means prod-
12 ucts containing ephedrine, pseudoephedrine, or phen-
13 ylpropanolamine.

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