

HR 3889

Methamphetamine Epidemic Elimination Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Sep 22, 2005

Current Status: Placed on the Union Calendar, Calendar No. 167.

Latest Action: Placed on the Union Calendar, Calendar No. 167. (Nov 17, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/3889>

Sponsor

Name: Rep. Souder, Mark E. [R-IN-3]

Party: Republican • **State:** IN • **Chamber:** House

Cosponsors (74 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Abercrombie, Neil [D-HI-1]	D · HI		Sep 22, 2005
Rep. Bachus, Spencer [R-AL-6]	R · AL		Sep 22, 2005
Rep. Baird, Brian [D-WA-3]	D · WA		Sep 22, 2005
Rep. Blunt, Roy [R-MO-7]	R · MO		Sep 22, 2005
Rep. Boren, Dan [D-OK-2]	D · OK		Sep 22, 2005
Rep. Boswell, Leonard L. [D-IA-3]	D · IA		Sep 22, 2005
Rep. Burton, Dan [R-IN-5]	R · IN		Sep 22, 2005
Rep. Calvert, Ken [R-CA-44]	R · CA		Sep 22, 2005
Rep. Cannon, Chris [R-UT-3]	R · UT		Sep 22, 2005
Rep. Cardoza, Dennis A. [D-CA-18]	D · CA		Sep 22, 2005
Rep. Case, Ed [D-HI-2]	D · HI		Sep 22, 2005
Rep. Coble, Howard [R-NC-6]	R · NC		Sep 22, 2005
Rep. Franks, Trent [R-AZ-2]	R · AZ		Sep 22, 2005
Rep. Granger, Kay [R-TX-12]	R · TX		Sep 22, 2005
Rep. Graves, Sam [R-MO-6]	R · MO		Sep 22, 2005
Rep. Herseth, Stephanie [D-SD-At Large]	D · SD		Sep 22, 2005
Rep. Hooley, Darlene [D-OR-5]	D · OR		Sep 22, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Sep 22, 2005
Rep. Larsen, Rick [D-WA-2]	D · WA		Sep 22, 2005
Rep. Lewis, Ron [R-KY-2]	R · KY		Sep 22, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Sep 22, 2005
Rep. McMorris, Cathy [R-WA-5]	R · WA		Sep 22, 2005
Rep. Osborne, Tom [R-NE-3]	R · NE		Sep 22, 2005
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Sep 22, 2005
Rep. Peterson, John E. [R-PA-5]	R · PA		Sep 22, 2005
Rep. Reichert, David G. [R-WA-8]	R · WA		Sep 22, 2005
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Sep 22, 2005
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		Sep 22, 2005
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Sep 22, 2005
Rep. Smith, Lamar [R-TX-21]	R · TX		Sep 22, 2005
Rep. Terry, Lee [R-NE-2]	R · NE		Sep 22, 2005
Rep. Walden, Greg [R-OR-2]	R · OR		Sep 22, 2005
Rep. Wamp, Zach [R-TN-3]	R · TN		Sep 22, 2005
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Sep 27, 2005
Rep. Boozman, John [R-AR-3]	R · AR		Sep 27, 2005
Rep. Costa, Jim [D-CA-20]	D · CA		Sep 27, 2005
Rep. Foxx, Virginia [R-NC-5]	R · NC		Sep 27, 2005
Rep. Mica, John L. [R-FL-7]	R · FL		Sep 27, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Sep 27, 2005
Rep. Smith, Adam [D-WA-9]	D · WA		Sep 27, 2005
Rep. Westmoreland, Lynn A. [R-GA-8]	R · GA		Sep 27, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Alexander, Rodney [R-LA-5]	R · LA		Sep 29, 2005
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Sep 29, 2005
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Sep 29, 2005
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Sep 29, 2005
Rep. Kline, John [R-MN-2]	R · MN		Sep 29, 2005
Rep. Bishop, Rob [R-UT-1]	R · UT		Oct 6, 2005
Rep. Carnahan, Russ [D-MO-3]	D · MO		Oct 6, 2005
Rep. Fitzpatrick, Michael G. [R-PA-8]	R · PA		Oct 6, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Oct 6, 2005
Rep. Chabot, Steve [R-OH-1]	R · OH		Oct 19, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Oct 19, 2005
Rep. Shadegg, John B. [R-AZ-3]	R · AZ		Oct 19, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Oct 19, 2005
Rep. Camp, Dave [R-MI-4]	R · MI		Oct 20, 2005
Rep. Wilson, Heather [R-NM-1]	R · NM		Oct 20, 2005
Rep. Cooper, Jim [D-TN-5]	D · TN		Oct 24, 2005
Rep. Musgrave, Marilyn N. [R-CO-4]	R · CO		Oct 25, 2005
Rep. Gibbons, Jim [R-NV-2]	R · NV		Oct 27, 2005
Rep. Davis, Tom [R-VA-11]	R · VA		Nov 2, 2005
Rep. Ney, Robert W. [R-OH-18]	R · OH		Nov 2, 2005
Rep. Filner, Bob [D-CA-51]	D · CA		Nov 8, 2005
Rep. Istook, Ernest J., Jr. [R-OK-5]	R · OK		Nov 8, 2005
Rep. Salazar, John T. [D-CO-3]	D · CO		Nov 8, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		Nov 8, 2005
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Nov 9, 2005
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Nov 14, 2005
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Nov 15, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Nov 15, 2005
Rep. Moore, Dennis [D-KS-3]	D · KS		Nov 15, 2005
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Nov 15, 2005
Rep. Pryce, Deborah [R-OH-15]	R · OH		Nov 15, 2005
Rep. Berry, Marion [D-AR-1]	D · AR		Nov 17, 2005
Rep. Hoekstra, Peter [R-MI-2]	R · MI		Nov 17, 2005

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 7, 2005
Foreign Affairs Committee	House	Discharged From	Nov 18, 2005
Judiciary Committee	House	Reported by	Nov 3, 2005
Transportation and Infrastructure Committee	House	Referred to	Sep 23, 2005

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
109 HR 3199	Related bill	Mar 9, 2006: Became Public Law No: 109-177.

Methamphetamine Epidemic Elimination Act - **Title I: Domestic Regulation of Precursor Chemicals** - (Sec. 101) Amends the Controlled Substances Act (CSA) to define "scheduled listed chemical product" as a product that: (1) contains ephedrine, pseudoephedrine, or phenylpropanolamine and the salts, optical isomers, and salts of optical isomers of such chemical; and (2) may lawfully be marketed or distributed in the United States as a nonprescription drug.

Prohibits the retail sale of more than 3.6 grams per day of any ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product to any purchaser without regard to the number of transactions.

Prohibits a seller or distributor from selling at retail such a product in a nonliquid form (including gell caps) unless the product is packaged in blister packs if technically feasible or otherwise packaged in unit dose packets or pouches. Defines "at retail" as the sale or purchase for personal use of a scheduled listed chemical product.

Requires a seller to: (1) place scheduled listed chemical products where customers do not have direct access to them before sale (behind-the-counter placement); (2) deliver such products directly into the custody of the purchaser; (3) maintain a logbook of sales that identifies the products by name, quantity, purchaser name and address, and dates and times of sale, except for any purchase by an individual of a single sales package of not more than 60 milligrams of pseudoephedrine; (4) maintain such logbook entries for not fewer than two years; and (5) submit to the Attorney General a self-certification that all individuals responsible for delivering or selling such products have undergone training on the requirements. Prohibits a seller from selling such a product unless: (1) the prospective purchaser presents an identification card and signs the logbook; and (2) the seller verifies that the name in the logbooks corresponds to the identification and enters the name of the product and quantity sold.

Requires mobile retail vendors to: (1) place scheduled listed chemical products in a locked cabinet; and (2) not sell more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in such products per customer during a 30-day period. Defines "mobile retail vendor" as a person or entity that makes sales at retail from a stand that is intended to be temporary or is capable of being moved from one location to another.

Prohibits a regulated seller from selling any scheduled listed chemical product at retail without first submitting to the Attorney General the required training self-certification. Requires the Attorney General to establish: (1) criteria for certifications, including that certifications are required for each place of business at which a regulated seller sells such products at retail; and (2) restrictions on the disclosure of information in logbooks to protect the privacy of individuals who purchase such products. Defines "regulated seller" as a retail distributor (including a pharmacy or a mobile retail vendor), except not an employee or agent of such distributor.

Includes information in the logbook as a matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States in order to prohibit and provide penalties for knowingly and willfully: (1) making any materially false, fictitious, or fraudulent statement or representation; or (2) making or using any false writing or document knowing that it contains any materially false, fictitious, or fraudulent statement or entry.

Provides immunity from civil liability to any regulated seller who in good faith releases information in a logbook to a federal, state, or local law enforcement authority unless such release constitutes gross negligence or intentional, wanton, or willful misconduct.

Allows a regulated seller to take reasonable measures to guard against employing individuals who may present a risk of

theft and diversion of scheduled listed chemical products, including by asking employment applicants whether they have been convicted of any crime involving or related to such products or controlled substances.

Requires a regulated person who makes a sale at retail of a scheduled listed chemical product, and who uses or attempts to use the Postal Service or any private or commercial carrier, to confirm the identity of the purchaser prior to shipping the product. Prohibits such a sale of more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in such products per customer during a 30-day period.

Allows the Attorney General to exempt certain scheduled listed chemical products from sales transaction requirements if the Attorney General determines that the product cannot be used in the illicit manufacture of methamphetamine.

Prohibits: (1) selling at retail a scheduled listed chemical product knowing at the time of the transaction (independent of consulting the logbook) that the transaction is a violation of the CSA; (2) knowingly or recklessly selling at retail such product in violation of the blister pack, behind-the-counter, or logbook requirements; and (3) disclosing information in logbooks in violation of privacy requirements or refusing to provide a logbook to federal, state, or local law enforcement authorities.

Authorizes the Attorney General to prohibit a seller or distributor that fails to meet reporting requirements from selling any scheduled listed chemical product.

(Sec. 102) Amends the definition of "regulated transaction" to include any transaction in a scheduled listed chemical product. Makes conforming amendments to the CSA and the Comprehensive Methamphetamine Control Act of 1996.

(Sec. 103) Includes ephedrine, pseudoephedrine, and phenylpropanolamine among the substances for which the Attorney General must establish production quotas.

(Sec. 104) Prohibits a person from manufacturing ephedrine, pseudoephedrine, or phenylpropanolamine that is: (1) not expressly authorized by such person's registration with the Attorney General and by a quota assigned to that person; or (2) in excess of the assigned quota.

(Sec. 105) Amends the Controlled Substances Import and Export Act to prohibit the importation into the United States of ephedrine, pseudoephedrine, or phenylpropanolamine, except in amounts the Attorney General allows as necessary to provide for medical, scientific, or other legitimate purposes. Allows a registrant who is authorized to import such a chemical to apply for an increase in the amount authorized.

(Sec. 106) Prohibits a regular importer from transferring a listed chemical to a transferee that is not a regular customer until 15 days after notice is submitted to the Attorney General. Prohibits any change in the prospective transferee until 15 days after an update of such notice is submitted to the Attorney General, unless that transferee is a regular customer. Provides that the transferee involved shall then be considered to qualify as a regular customer, unless the Attorney General otherwise notifies the importer or exporter. Allows the Attorney General to suspend such a transfer on the ground that the chemical may be diverted to the illegal or clandestine manufacture of a controlled substance.

Requires the importer or exporter to send to the Attorney General within 30 days of such a transaction a return declaration containing particulars of the transaction. Requires an importer that has not distributed all chemicals within 30 days to file supplemental return declarations for other distributions or dispositions.

(Sec. 107) Sets forth penalties for: (1) importing a listed chemical in violation of established quota requirements; or (2) transferring such a chemical in violation of notice requirements.

(Sec. 108) Requires the Attorney General to consult with the U.S. Trade Representative to ensure that implementation of relevant sections of this Act complies with all applicable international treaties and obligations.

Title II: International Regulation of Precursor Chemicals - (Sec. 201) Requires a regulated person importing ephedrine, pseudoephedrine, or phenylpropanolamine to include in the notice of importation all information known to the importer on the chain of distribution of such chemical from the manufacturer to the importer. Allows the Attorney General to: (1) request that a distributor of such chemical provide information on its distribution, including sales; and (2) prohibit the importation of such chemical in any case in which a foreign-chain distributor that is refusing to cooperate with the Attorney General in obtaining chain-of-custody information is part of the chain of distribution.

(Sec. 202) Amends the Foreign Assistance Act of 1961 to require an additional section in the President's international narcotics control strategy report that: (1) identifies the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine; (2) identifies the five countries that imported the largest amount of such chemicals and have the highest rate of diversion of such chemicals for the use in the illicit production of methamphetamine; and (3) includes an economic analysis of the total worldwide production of such chemicals compared to the legitimate demand for such chemicals. Withholds 50% of the US assistance allocated each fiscal year for countries so identified unless the country has either cooperated fully with the United States or has taken adequate steps on its own to achieve full compliance with established United Nations goals and objectives, unless the vital national interests of the United States prevent withholding such funds.

Requires the Secretary of State to submit to Congress a comprehensive plan to address the diversion of chemicals to the illicit production of methamphetamine for each identified country for which the President has not submitted a certification of full cooperation.

Authorizes appropriations for FY2006-FY2007.

(Sec. 203) Requires the Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, to take necessary actions to prevent the smuggling of methamphetamine into the United States from Mexico. Requires the Secretary of State to: (1) improve bilateral effort at the border; (2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of methamphetamine; and (3) encourage Mexico to take immediate action to reduce the diversion of pseudoephedrine. Sets forth reporting requirements. Authorizes appropriations.

Title III: Enhanced Criminal Penalties for Methamphetamine Production and Trafficking - (Sec. 301) Decreases the quantities of methamphetamine the manufacture, distribution, dispensation, possession (with intent to manufacture, distribute, or dispense), importation, or exportation of which will result in sentences of imprisonment for at least five years or for ten years to life.

(Sec. 302) Increases penalties for violations of the CSA or the Controlled Substances Import and Export Act involving methamphetamine to increase the term of imprisonment by not more than 15 years if the person: (1) was enrolled in any dedicated commuter lane, alternative or accelerated inspection system, or other facilitated entry program administered or approved by the federal government for use in entering the United States; and (2) committed the offense while entering the United States using such lane, system, or program. Bars such a person from being eligible for or using any such lane, system, or program permanently.

(Sec. 303) Sets forth additional penalties for violations of the CSA that involve the manufacture of a controlled substance on federal property.

(Sec. 304) Sets forth the quantities and gross receipts for which the leader of a continuing criminal enterprise involving methamphetamine can receive life imprisonment.

Title IV: Enhanced Environmental Regulation of Methamphetamine By-Products - (Sec. 401) Requires the Secretary of Transportation to report biennially to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on whether the Secretary has designated as hazardous materials for transportation purposes all byproducts of the methamphetamine-production process that are known to pose an unreasonable risk to health and safety or property when transported in commerce.

(Sec. 402) Amends the Solid Waste Disposal Act to require the Administrator of the Environmental Protection Agency (EPA) to report biennially to the House Committee on Energy and Commerce and the Senate Committee on Environment and Public Works on information collected from law enforcement agencies, states, and other relevant stakeholders that identifies the byproducts of the methamphetamine production process and on whether the Administrator considers the byproducts to be a hazardous waste for purposes of such Act.

(Sec. 403) Amends the CSA to require the court to assess restitution or reimbursement penalties: (1) on defendants convicted of offenses involving the possession, or the possession with the intent to distribute, of amphetamine or methamphetamine; and (2) that include the cost of cleanup on premises or in property that the defendant owns, resides, or does business.

Actions Timeline

- **Nov 17, 2005:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-299, Part II.
- **Nov 17, 2005:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-299, Part II.
- **Nov 17, 2005:** Committee on International Relations discharged.
- **Nov 17, 2005:** Committee on International Relations discharged.
- **Nov 17, 2005:** Committee on Transportation discharged.
- **Nov 17, 2005:** Committee on Transportation discharged.
- **Nov 17, 2005:** Placed on the Union Calendar, Calendar No. 167.
- **Nov 16, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-299, Part I.
- **Nov 16, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-299, Part I.
- **Nov 15, 2005:** Committee Consideration and Mark-up Session Held.
- **Nov 15, 2005:** Ordered to be Reported (Amended) by Voice Vote.
- **Nov 9, 2005:** Committee Consideration and Mark-up Session Held.
- **Nov 9, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 31 - 0.
- **Nov 3, 2005:** Subcommittee Consideration and Mark-up Session Held.
- **Nov 3, 2005:** Forwarded by Subcommittee to Full Committee by the Yeas and Nays: 8 - 2.
- **Oct 7, 2005:** Referred to the Subcommittee on Health.
- **Sep 27, 2005:** Subcommittee Hearings Held.
- **Sep 26, 2005:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Sep 23, 2005:** Referred to the Subcommittee on Highways, Transit and Pipelines.
- **Sep 22, 2005:** Introduced in House
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- **Sep 22, 2005:** Referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, International Relations, and Transportation and Infrastructure, 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.
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