

AMENDMENT TO
RULES COMMITTEE PRINT 119-33
OFFERED BY MR. MCDOWELL OF NORTH
CAROLINA

At the end of subtitle B of title XVII, add the following:

1 **SEC. 17___ . PREVENTING ROGUE EQUIPMENT FOR SYN-**
2 **THETIC SUBSTANCES.**

3 (a) POSSESSION, MANUFACTURE, OR DISTRIBUTION
4 FOR PURPOSES OF UNLAWFUL IMPORTATION.—Section
5 1009 of the Controlled Substances Act (21 U.S.C. 959)
6 is amended—

7 (1) by redesignating subsections (c) and (d) as
8 subsections (d) and (e), respectively;

9 (2) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) It shall be unlawful for any person to manufac-
12 ture or distribute a tableting machine, encapsulating ma-
13 chine, press punch, die system, gelatin capsule, or any
14 equipment, chemical, product, or material—

15 “(1) intending or knowing that it will be used
16 to manufacture a controlled substance or listed
17 chemical; and

1 “(2) intending, knowing, or having reasonable
2 cause to believe that the controlled substance or list-
3 ed chemical will be unlawfully imported into the
4 United States.”; and

5 (3) in subsection (d)—

6 (A) in paragraph (1), by striking “or” at
7 the end;

8 (B) in paragraph (2), by striking the pe-
9 riod at the end and inserting “; or”; and

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

11 “(3) manufacture or distribute a tableting ma-
12 chine, encapsulating machine, press punch, die sys-
13 tem, gelatin capsule, or any equipment, chemical,
14 product, or material—

15 “(A) intending or knowing that it will be
16 used to manufacture a controlled substance or
17 listed chemical; and

18 “(B) intending, knowing, or having reason-
19 able cause to believe that the controlled sub-
20 stance or listed chemical will be unlawfully im-
21 ported into the United States.”.

22 (b) PROHIBITED ACTS.—Section 1010 of the Con-
23 trolled Substances Act (21 U.S.C. 960) is amended—

24 (1) in subsection (d)—

1 (A) in paragraph (6), by striking “or” at
2 the end;

3 (B) in paragraph (7)—

4 (i) by striking “section 959 of this
5 title” and inserting “section 1009”; and

6 (ii) by striking the period at the end
7 and inserting “; or”;

8 (C) by inserting after paragraph (7) the
9 following:

10 “(8) manufactures or distributes a tableting
11 machine, encapsulating machine, press punch, die
12 system, gelatin capsule, or any equipment, chemical,
13 product, or material in violation of subsection (c) of
14 section 1009,”; and

15 (D) in the matter following paragraph (8),
16 as so inserted, by striking “shall be fined” and
17 all that follows through “or both” and inserting
18 the following: “shall be fined in accordance with
19 title 18, United States Code, imprisoned for the
20 applicable period described in subsection (e), or
21 both”; and

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

23 “(e) The applicable period described in this sub-
24 section is the following:

1 “(1) In the case of a violation of paragraph (1)
2 or (3) of subsection (d) involving a list I chemical,
3 not more than 20 years.

4 “(2) Subject to paragraph (4), in the case of a
5 violation of paragraph (7) of subsection (d), not
6 more than 10 years.

7 “(3) Subject to paragraph (4), in the case of a
8 violation of paragraph (8) of subsection (d), not
9 more than 8 years.

10 “(4) In the case of a violation of paragraph (7)
11 or (8) of subsection (d) that involves more than
12 1,000 kilograms of a chemical or product or more
13 than 100 machines that are tableting machines or
14 encapsulating machines, not more than 15 years.

15 “(5) In the case of a violation of subsection (d)
16 other than a violation of paragraph (1), (3), (7), or
17 (8) of such subsection, not more than 10 years.”.

18 (c) UNITED STATES SENTENCING COMMISSION.—
19 Pursuant to its authority under section 994(p) of title 28,
20 United States Code, the United States Sentencing Com-
21 mission shall review and amend the Federal sentencing
22 guidelines and policy statements of the Commission, as ap-
23 propriate, in accordance with this Act and the amend-
24 ments made by this Act.

