

109TH CONGRESS
1ST SESSION

S. 400

To prevent the illegal importation of controlled substances.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2005

Mr. COLEMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent the illegal importation of controlled substances.

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 “Prevention of Illegally
5 Imported Controlled Substances Act of 2005” or “Todd
6 Rode Act”.

7 **SEC. 2. DESTRUCTION OF CERTAIN IMPORTED SHIPMENTS.**

8 Part D of the Controlled Substances Act (21 U.S.C.
9 841 et seq.) is amended by adding at the end the fol-
10 lowing:

1 “DESTRUCTION OF CERTAIN IMPORTED SHIPMENTS

2 “SEC. 424. (a) IN GENERAL.—A shipment of con-
3 trolled substances that is imported or offered for import
4 into the United States in violation of section 401 and
5 whose value is less than \$10,000 shall be seized and sum-
6 marily forfeited to the United States.

7 “(b) DESTRUCTION.—Controlled substances seized
8 under subsection (a) shall be destroyed, subject to sub-
9 section (d). Section 801(b) of the Federal Food, Drug,
10 and Cosmetic Act (21 U.S.C. 381(b)) does not authorize
11 the delivery of the substances pursuant to the execution
12 of a bond, and the substances may not be exported.

13 “(c) NOTICE.—

14 “(1) PROCEDURES.—The seizure and destruc-
15 tion of controlled substances under subsections (a)
16 and (b) may be carried out without notice to the im-
17 porter, owner, or consignee of the controlled sub-
18 stances involved. Appraisement of such substances is
19 required only to the extent sufficient to document
20 that the substances are subject to subsection (a).

21 “(2) GOALS.—Procedures promulgated under
22 paragraph (1) shall be designed toward the goal of
23 ensuring that, with respect to efficiently utilizing
24 Federal resources available for carrying out this sub-
25 section, a substantial majority of shipments of con-

1 trolled substances subject to subsection (a) are iden-
2 tified and seized under such paragraph and de-
3 stroyed under subsection (b).

4 “(d) PRESENTATION OF EVIDENCE.—Controlled sub-
5 stances may not be destroyed under subsection (b) to the
6 extent that the Attorney General of the United States de-
7 termines that the controlled substances should be pre-
8 served as evidence or potential evidence with respect to
9 an offense against the United States.”.

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