

and add to an anhydrous ammonia fertilizer nurse tank a physical lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

**(c) Grant amount**

The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

- (1) an amount not less than \$40 and not more than \$60, as determined by the Secretary; and
- (2) the number of fertilizer nurse tanks of the eligible entity.

**(d) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to make grants under this section \$15,000,000 for the period of fiscal years 2008 through 2012.

(Pub. L. 110–234, title XIV, §14203, May 22, 2008, 122 Stat. 1458; Pub. L. 110–246, §4(a), title XIV, §14203, June 18, 2008, 122 Stat. 1664, 2220.)

**Editorial Notes**

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Controlled Substances Act which comprises this subchapter.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of Title 7, Agriculture.

**§ 865. Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs**

**(a) Enhanced prison sentence**

The sentence of imprisonment imposed on a person convicted of an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), involving methamphetamine or any listed chemical that is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)),<sup>1</sup> shall, if the offense is committed under the circumstance described in subsection (b), be increased by a con-

<sup>1</sup> So in original. A second closing parenthesis probably should precede the comma.

secutive term of imprisonment of not more than 15 years.

**(b) Circumstances**

For purposes of subsection (a), the circumstance described in this subsection is that the offense described in subsection (a) was committed by a person who—

- (1) was enrolled in, or who was acting on behalf of any person or entity 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.

**(c) Permanent ineligibility**

Any person whose term of imprisonment is increased under subsection (a) shall be permanently and irrevocably barred from being eligible for or using any lane, system, or program described in subsection (b)(1).

(Pub. L. 109–177, title VII, §731, Mar. 9, 2006, 120 Stat. 270.)

**Editorial Notes**

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (a), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

CODIFICATION

Section was enacted as part of the USA PATRIOT Improvement and Reauthorization Act of 2005 and also as part of the Combat Methamphetamine Epidemic Act of 2005, and not as part of the Controlled Substances Act which comprises this subchapter.

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

**§ 871. Attorney General**

**(a) Delegation of functions**

The Attorney General may delegate any of his functions under this subchapter to any officer or employee of the Department of Justice.

**(b) Rules and regulations**

The Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this subchapter.

**(c) Acceptance of devises, bequests, gifts, and donations**

The Attorney General may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor in-