

113TH CONGRESS
1ST SESSION

H. R. 2270

To impose enhanced penalties for certain drug offense that take place on
Federal property.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2013

Mr. NUNES (for himself and Mr. VALADAO) 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 subse-
quently determined by the Speaker, in each case for consideration of such
provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose enhanced penalties for certain drug offense that
take place on Federal property.

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. CULTIVATING OR MANUFACTURING CON-**
4 **TROLLED SUBSTANCES ON FEDERAL PROP-**
5 **ERTY.**

6 Section 401(b)(5) of the Controlled Substances Act
7 (21 U.S.C. 841(b)(5)) is amended by striking “as provided
8 in this subsection” and inserting “for not more than 10

1 years, in addition to any other term of imprisonment im-
2 posed under this subsection,”.

3 **SEC. 2. USE OF HAZARDOUS SUBSTANCES.**

4 Pursuant to its authority under section 994 of title
5 28, United States Code, the United States Sentencing
6 Commission shall amend the Federal Sentencing Guide-
7 lines and policy statements to ensure that the guidelines
8 provide an additional penalty increase of 2 offense levels
9 above the sentence otherwise applicable for a violation of
10 section 401(a) of the Controlled Substances Act (21
11 U.S.C. 841(a)) if the offense—

12 (1) includes the use of a poison, chemical, or
13 other hazardous substance to cultivate or manufac-
14 ture controlled substances on Federal property;

15 (2) creates a hazard to humans, wildlife, or do-
16 mestic animals;

17 (3) degrades or harms the environment or nat-
18 ural resources; or

19 (4) pollutes an aquifer, spring, stream, river, or
20 body of water.

21 **SEC. 3. STREAM DIVERSION OR CLEAR CUTTING ON FED-
22 ERAL PROPERTY.**

23 (a) PROHIBITION ON STREAM DIVERSION OR CLEAR
24 CUTTING ON FEDERAL PROPERTY.—Section 401(b) of

1 the Controlled Substances Act is amended by adding at
2 the end the following:

3 “(8) DESTRUCTION OF BODIES OF WATER.—

4 Any person who violates subsection (a) in a manner
5 that diverts, redirects, obstructs, or drains an aqui-
6 fer, spring, stream, river, or body of water or clear
7 cuts timber while cultivating or manufacturing a
8 controlled substance on Federal property shall be
9 fined in accordance with title 18, United States
10 Code.”.

11 (b) FEDERAL SENTENCING GUIDELINES ENHANCE-
12 MENT.—Pursuant to its authority under section 994 of
13 title 28, United States Code, the United States Sentencing
14 Commission shall amend the Federal Sentencing Guide-
15 lines and policy statements to ensure that the guidelines
16 provide an additional penalty increase of 2 offense levels
17 for above the sentence otherwise applicable for a violation
18 of section 401(a) of the Controlled Substances Act (21
19 U.S.C. 841(a)) if the offense involves the diversion, redi-
20 rection, obstruction, or draining of an aquifer, spring,
21 stream, river, or body of water or the clear cut of timber
22 while cultivating or manufacturing a controlled substance
23 on Federal property.

1 **SEC. 4. BOOBY TRAPS ON FEDERAL LAND.**

2 Section 401(d)(1) of the Controlled Substances Act
3 (21 U.S.C. 841(d)(1)) is amended by inserting “cul-
4 tivated,” after “is being”.

5 **SEC. 5. USE OR POSSESSION OF FIREARMS IN CONNECTION**
6 **WITH DRUG OFFENSES ON FEDERAL LANDS.**

7 Pursuant to its authority under section 994 of title
8 28, United States Code, the United States Sentencing
9 Commission shall amend the Federal Sentencing Guide-
10 lines and policy statements to ensure that the guidelines
11 provide an additional penalty increase of 2 offense levels
12 above the sentence otherwise applicable for a violation of
13 section 401(a) of the Controlled Substances Act (21
14 U.S.C. 841(a)) if the offense involves the possession of
15 a firearm while cultivating or manufacturing controlled
16 substances on Federal lands.

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