

113TH CONGRESS  
1ST SESSION

# H. R. 2270

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

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## 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

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## 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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