

AMENDMENT NO. _____ Calendar No. _____

Purpose: To impose enhanced penalties for certain drug offenses that take place on Federal property.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

1 At the appropriate place, insert the following:

2 **SEC. _____. ENHANCED PENALTIES FOR CERTAIN DRUG OF-**
3 **FENSES ON FEDERAL LANDS.**

4 (a) CULTIVATING OR MANUFACTURING CONTROLLED
5 SUBSTANCES ON FEDERAL PROPERTY.—Section
6 401(b)(5) of the Controlled Substances Act (21 U.S.C.
7 841(b)(5)) is amended by striking “as provided in this
8 subsection” and inserting “for not more than 10 years,
9 in addition to any other term of imprisonment imposed
10 under this subsection,”.

11 (b) USE OF HAZARDOUS SUBSTANCES.—Pursuant to
12 its authority under section 994 of title 28, United States

1 Code, the United States Sentencing Commission shall
2 amend the Federal Sentencing Guidelines and policy state-
3 ments to ensure that the guidelines provide an additional
4 penalty increase of 2 offense levels above the sentence oth-
5 erwise applicable for a violation of section 401(a) of the
6 Controlled Substances Act (21 U.S.C. 841(a)) if the of-
7 fense—

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

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

13 (3) degrades or harms the environment or nat-
14 ural resources; or

15 (4) pollutes an aquifer, spring, stream, river, or
16 body of water.

17 (c) STREAM DIVERSION OR CLEAR CUTTING ON
18 FEDERAL PROPERTY.—

19 (1) PROHIBITION ON STREAM DIVERSION OR
20 CLEAR CUTTING ON FEDERAL PROPERTY.—Section
21 401(b) of the Controlled Substances Act is amended
22 by adding at the end the following:

23 “(8) DESTRUCTION OF BODIES OF WATER.—
24 Any person who violates subsection (a) in a manner
25 that diverts, redirects, obstructs, or drains an aquifer

1 fer, spring, stream, river, or body of water or clear
2 cuts timber while cultivating or manufacturing a
3 controlled substance on Federal property shall be
4 fined in accordance with title 18, United States
5 Code.”.

6 (2) FEDERAL SENTENCING GUIDELINES EN-
7 HANCEMENT.—Pursuant to its authority under sec-
8 tion 994 of title 28, United States Code, the United
9 States Sentencing Commission shall amend the Fed-
10 eral Sentencing Guidelines and policy statements to
11 ensure that the guidelines provide an additional pen-
12 alty increase of 2 offense levels for above the sen-
13 tence otherwise applicable for a violation of section
14 401(a) of the Controlled Substances Act (21 U.S.C.
15 841(a)) if the offense involves the diversion, redirec-
16 tion, obstruction, or draining of an aquifer, spring,
17 stream, river, or body of water or the clear cut of
18 timber while cultivating or manufacturing a con-
19 trolled substance on Federal property.

20 (d) BOOBY TRAPS ON FEDERAL LAND.—Section
21 401(d)(1) of the Controlled Substances Act (21 U.S.C.
22 841(d)(1)) is amended by inserting “cultivated,” after “is
23 being”.

24 (e) USE OR POSSESSION OF FIREARMS IN CONNEC-
25 TION WITH DRUG OFFENSES ON FEDERAL LANDS.—Pur-

1 suant to its authority under section 994 of title 28, United
2 States Code, the United States Sentencing Commission
3 shall amend the Federal Sentencing Guidelines and policy
4 statements to ensure that the guidelines provide an addi-
5 tional penalty increase of 2 offense levels above the sen-
6 tence otherwise applicable for a violation of section 401(a)
7 of the Controlled Substances Act (21 U.S.C. 841(a)) if
8 the offense involves the possession of a firearm while culti-
9 vating or manufacturing controlled substances on Federal
10 lands.