

113TH CONGRESS
1ST SESSION

S. 1889

To direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2013

Mrs. FEINSTEIN (for herself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the United States Sentencing Commission with respect to penalties for the unlawful production of a controlled substance on Federal property or intentional trespass on the property of another that causes environmental damage.

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 “Protecting Lands
5 Against Narcotics Trafficking Act of 2013” or the
6 “PLANT Act”.

1 **SEC. 2. CONTROLLED SUBSTANCES ACT PENALTY AMEND-**
2 **MENTS.**

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

11 (b) USE OF HAZARDOUS SUBSTANCES.—Pursuant to
12 its authority under section 994 of title 28, United States
13 Code, the United States Sentencing Commission shall
14 amend and review the Federal Sentencing Guidelines and
15 policy statements to ensure that the guidelines provide for
16 a penalty enhancement of not less than 1 offense level for
17 a violation of section 401(a) of the Controlled Substances
18 Act (21 U.S.C. 841(a)) while on Federal property or in-
19 tentiously trespassing on the property of another if the
20 offense—

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

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

1 (3) degrades or harms the environment or nat-
2 ural resources; or

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

5 (c) STREAM DIVERSION OR CLEAR CUTTING ON
6 FEDERAL PROPERTY.—

7 (1) PROHIBITION ON STREAM DIVERSION OR
8 CLEAR CUTTING ON FEDERAL PROPERTY.—Section
9 401(b) of the Controlled Substances Act (21 U.S.C.
10 841(b)), as amended by subsection (a), is amended
11 by adding at the end the following:

12 “(8) DESTRUCTION OF BODIES OF WATER.—
13 Any person who violates subsection (a) in a manner
14 that diverts, redirects, obstructs, or drains an aquifer,
15 spring, stream, river, or body of water or clear
16 cuts timber while cultivating or manufacturing a
17 controlled substance on Federal property or while in-
18 tentionally trespassing on the property of another
19 shall be fined in accordance with title 18, United
20 States Code.”.

21 (2) FEDERAL SENTENCING GUIDELINES EN-
22 HANCEMENT.—Pursuant to its authority under sec-
23 tion 994 of title 28, United States Code, the United
24 States Sentencing Commission shall review and
25 amend the Federal Sentencing Guidelines and policy

1 statements to ensure that the guidelines provide for
2 a penalty enhancement of not less than 1 offense
3 level for a violation of section 401(a) of the Con-
4 trolled Substances Act (21 U.S.C. 841(a)) if the of-
5 fense involves the diversion, redirection, obstruction,
6 or draining of an aquifer, spring, stream, river, or
7 body of water or the clear cut of timber while culti-
8 vating or manufacturing a controlled substance on
9 Federal property or while intentionally trespassing
10 on the property of another.

11 (d) BOOBY TRAPS ON FEDERAL LAND.—Section
12 401(d)(1) of the Controlled Substances Act (21 U.S.C.
13 841(d)(1)) is amended by inserting “cultivated,” after “is
14 being”.

15 (e) USE OR POSSESSION OF FIREARMS IN CONNEC-
16 TION WITH DRUG OFFENSES ON FEDERAL LANDS.—Pur-
17 suant to its authority under section 994 of title 28, United
18 States Code, the United States Sentencing Commission
19 shall review and amend the Federal Sentencing Guidelines
20 and policy statements to ensure that the guidelines provide
21 for a penalty enhancement of not less than 1 offense level
22 for a violation of section 401(a) of the Controlled Sub-
23 stances Act (21 U.S.C. 841(a)) if the offense involves the
24 possession of a firearm while cultivating or manufacturing

- 1 controlled substances on Federal lands or intentionally
- 2 trespassing on the property of another.

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