EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–200 effective on date that is 120 days after Dec. 17, 1993, see section 11 of Pub. L. 103–200, set out as a note under section 802 of this title.

§ 959. Possession, manufacture, or distribution of controlled substance

(a) Manufacture or distribution for purpose of unlawful importation

It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or listed chemical—

(1) intending that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States; or

(2) knowing that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

(b) Possession, manufacture, or distribution by person on board aircraft

It shall be unlawful for any United States citizen on board any aircraft, or any person on board an aircraft owned by a United States citizen or registered in the United States, to—

(1) manufacture or distribute a controlled substance or listed chemical; or

(2) possess a controlled substance or listed chemical with intent to distribute.

(c) Acts committed outside territorial jurisdiction of United States; venue

This section is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

(Pub. L. 91–513, title III, § 1009, Oct. 27, 1970, 84 Stat. 1289; Pub. L. 99–570, title III, § 3161(a), Oct. 27, 1986, 100 Stat. 3207–94; Pub. L. 104–237, title I, § 102(a), (b), Oct. 3, 1996, 110 Stat. 3100; Pub. L. 104–305, § 2(b)(2)(A), Oct. 13, 1996, 110 Stat. 3807.)

REFERENCES IN TEXT

Schedules I and II, referred to in subsec. (a), are set out in section 812(c) of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–305 inserted ''or flunitrazepam'' after ''schedule I or II'' in introductory provisions.

Pub. L. 104–237, § 102(a), inserted ''or listed chemical'' after ''schedule I or II'' in introductory provisions and ''or chemical'' after ''substance'' in pars. (1) and (2).

Subsec. (b). Pub. L. 104–237, § 102(b), inserted ''or listed chemical'' after ''controlled substance'' in pars. (1) and (2).

1986—Pub. L. 99–570 designated first sentence as subsec. (a) and inserted ''or into waters within a distance of 12 miles of the coast of the United States'' in pars. (1) and (2), added subsec. (b), and designated last two sentences as subsec. (c).

§ 960. Prohibited acts A

(a) Unlawful acts

Any person who—

(1) contrary to section 952, 953, or 957 of this title, knowingly or intentionally imports or exports a controlled substance,

(2) contrary to section 955 of this title, knowingly or intentionally brings or possesses on board a vessel, aircraft, or vehicle a controlled substance, or

(3) contrary to section 959 of this title, manufactures, possesses with intent to distribute, or distributes a controlled substance,

shall be punished as provided in subsection (b) of this section.

(b) Penalties

(1) In the case of a violation of subsection (a) of this section involving—

(A) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

(B) 5 kilograms or more of a mixture or substance containing a detectable amount of—

(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

(C) 280 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

(D) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(E) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(F) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(G) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana; or

(H) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.[1]

the person committing such violation shall be sentenced to a term of imprisonment of not less than 10 years and not more than life and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or $10,000,000 if the defendant is

[1] So in original. The period probably should be a semicolon.

an individual or $50,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or $20,000,000 if the defendant is an individual or $75,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.

(2) In the case of a violation of subsection (a) of this section involving—

(A) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

(B) 500 grams or more of a mixture or substance containing a detectable amount of—

(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

(C) 28 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

(D) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(E) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(F) 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or 10 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(G) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana; or

(H) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.[1]

the person committing such violat ion shall be sentenced to a term of imprisonment of not less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or $5,000,000 if the defendant is an individual or $25,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or $8,000,000 if the defendant is an individual or $50,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this paragraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment imposed therein.

(3) In the case of a violation under subsection (a) of this section involving a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or flunitrazepam, the person committing such violation shall, except as provided in paragraphs (1), (2), and (4), be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or $2,000,000 if the defendant is an individual or $10,000,000 if the defendant is other than an individual, or both. Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment

under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results.

(4) In the case of a violation under subsection (a) of this section with respect to less than 50 kilograms of marihuana, except in the case of 100 or more marihuana plants regardless of weight, less than 10 kilograms of hashish, or less than one kilogram of hashish oil, the person committing such violation shall be sentenced in accordance with section 841(b)(1)(D) of this title.

(5) In the case of a violation of subsection (a) involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 841(b)(1) of this title.

(6) In the case of a violation of subsection (a) involving a controlled substance in schedule IV, such person shall be sentenced in accordance with section 841(b)(2) of this title.

(7) In the case of a violation of subsection (a) involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 841(b)(3) of this title.

(c) Repealed. Pub. L. 98–473, title II, §225, formerly §225(a), Oct. 12, 1984, 98 Stat. 2030, as amended by Pub. L. 99–570, title I, §1005(c), Oct. 27, 1986, 100 Stat. 3207–6

(d) Penalty for importation or exportation

A person who knowingly or intentionally—

(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this subchapter or subchapter I of this chapter;

(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this subchapter or subchapter I of this chapter;

(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported;

(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 971 of this title applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to paragraph (2) or (3) of section 971(f) of this title by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported;

(6) imports a listed chemical in violation of section 952 of this title, imports or exports such a chemical in violation of section 957 or 971 of this title, or transfers such a chemical in violation of section 971(d) of this title; or

(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.[2]

shall be fined in accordance with title 18, imprisoned not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical, or both.

(Pub. L. 91–513, title III, §1010, Oct. 27, 1970, 84 Stat. 1290; Pub. L. 98–473, title II, §§225, formerly §225(a), 504, Oct. 12, 1984, 98 Stat. 2030, 2070; Pub. L. 99–570, title I, §§1004(a), 1005(c), 1302, 1866(e), Oct. 27, 1986, 100 Stat. 3207–6, 3207–15, 3207–55; Pub. L. 100–690, title VI, §§6053(c), 6475, Nov. 18, 1988, 102 Stat. 4315, 4380; Pub. L. 101–647, title XII, §1204, title XXXV, §3599J, Nov. 29, 1990, 104 Stat. 4830, 4932; Pub. L. 103–200, §§4(b), 5(b), Dec. 17, 1993, 107 Stat. 2338, 2339; Pub. L. 103–322, title IX, §90105(a), title XXXIII, §330024(d)(2), Sept. 13, 1994, 108 Stat. 1987, 2151; Pub. L. 104–237, title I, §102(c), title III, §302(b), Oct. 3, 1996, 110 Stat. 3100, 3105; Pub. L. 104–305, §2(b)(2)(B), (C), Oct. 13, 1996, 110 Stat. 3807; Pub. L. 105–277, div. E, §2(b), Oct. 21, 1998, 112 Stat. 2681–759; Pub. L. 106–172, §3(b)(2), Feb. 18, 2000, 114 Stat. 9; Pub. L. 107–273, div. B, title III, §3005(b), Nov. 2, 2002, 116 Stat. 1806; Pub. L. 109–177, title VII, §§716(b)(1)(A), 717, Mar. 9, 2006, 120 Stat. 267; Pub. L. 110–425, §3(i), Oct. 15, 2008, 122 Stat. 4832; Pub. L. 111–220, §§2(b), 4(b), Aug. 3, 2010, 124 Stat. 2372.)

REFERENCES IN TEXT

Schedules I, II, III, IV, and V, referred to in subsec. (b), are set out in section 812(c) of this title.

Section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Prohibition Act of 2000, referred to in subsec. (b)(3), is section 3(a)(1)(B) of Pub. L. 106–172, which is set out in a note under section 812 of this title.

AMENDMENTS

2010—Subsec. (b)(1). Pub. L. 111–220, §4(b)(1), in concluding provisions, substituted ''$10,000,000'' for ''$4,000,000'', ''$50,000,000'' for ''$10,000,000'', ''$20,000,000'' for ''$8,000,000'', and ''$75,000,000'' for ''$20,000,000''.

Subsec. (b)(1)(C). Pub. L. 111–220, §2(b)(1), substituted ''280 grams'' for ''50 grams''.

Subsec. (b)(2). Pub. L. 111–220, §4(b)(2), in concluding provisions, substituted ''$5,000,000'' for ''$2,000,000'', ''$25,000,000'' for ''$5,000,000'', ''$8,000,000'' for ''$4,000,000'', and ''$50,000,000'' for ''$10,000,000''.

Subsec. (b)(2)(C). Pub. L. 111–220, §2(b)(2), substituted ''28 grams'' for ''5 grams''.

2008—Subsec. (b)(3). Pub. L. 110–425, §3(i)(3), struck out before period at end '', nor shall a person so sentenced be eligible for parole during the term of such a sentence''.

Subsec. (b)(4). Pub. L. 110–425, §3(i)(1), inserted ''or'' after ''hashish,'', struck out ''or any quantity of a con-

[2] So in original. The period probably should be a comma.

trolled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'' after ''hashish oil,'', and substituted ''sentenced in accordance with section 841(b)(1)(D) of this title'' for ''imprisoned not more than five years, or be fined not to exceed the greater of that authorized in accordance with the provisions of title 18 or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall, notwithstanding section 3583 of title 18, in addition to such term of imprisonment, include (A) a term of supervised release of not less than two years if such controlled substance is in schedule I, II, III, or (B) a term of supervised release of not less than one year if such controlled substance is in schedule IV''.

Subsec. (b)(5) to (7). Pub. L. 110–425, § 3(i)(2), added pars. (5) to (7).

2006—Subsec. (d)(5). Pub. L. 109–177, § 716(b)(1)(A), substituted ''paragraph (2) or (3) of section 971(f) of this title'' for ''section 971(e)(2) or (3) of this title''.

Subsec. (d)(6). Pub. L. 109–177, § 717, amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''imports or exports a listed chemical in violation of section 957 or 971 of this title; or''.

2002—Subsec. (b)(1), (2). Pub. L. 107–273, § 3005(b)(1), substituted ''Notwithstanding section 3583 of title 18, any sentence'' for ''Any sentence'' in concluding provisions.

Subsec. (b)(3). Pub. L. 107–273, § 3005(b)(1), substituted ''Notwithstanding section 3583 of title 18, any sentence'' for ''Any sentence''.

Subsec. (b)(4). Pub. L. 107–273, § 3005(b)(2), inserted ''notwithstanding section 3583 of title 18,'' before ''in addition to such term of imprisonment''.

2000—Subsec. (b)(3). Pub. L. 106–172, § 3(b)(2)(A), inserted ''gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000),'' after ''schedule I or II,'' in first sentence.

Subsec. (b)(4). Pub. L. 106–172, § 3(b)(2)(B), substituted ''flunitrazepam and except a violation involving gamma hydroxybutyric acid)'' for ''flunitrazepam)''.

1998—Subsec. (b)(1)(H). Pub. L. 105–277, § 2(b)(1), substituted ''50 grams'' and ''500 grams'' for ''100 grams'' and ''1 kilogram'', respectively.

Subsec. (b)(2)(H). Pub. L. 105–277, § 2(b)(2), substituted ''5 grams'' and ''50 grams'' for ''10 grams'' and ''100 grams'', respectively.

1996—Subsec. (b)(3). Pub. L. 104–305, § 2(b)(2)(B), inserted ''or flunitrazepam,'' after ''schedule I or II,''.

Subsec. (b)(4). Pub. L. 104–305, § 2(b)(2)(C), inserted ''(except a violation involving flunitrazepam)'' after ''schedule III, IV, or V,''.

Subsec. (d). Pub. L. 104–237, § 302(b), in closing provisions, substituted ''not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,'' for ''not more than 10 years,''.

Subsec. (d)(7). Pub. L. 104–237, § 102(c), added par. (7).

1994—Subsec. (b)(1), (2). Pub. L. 103–322, § 90105(a), in sentence in concluding provisions beginning ''If any person commits'', substituted ''a prior conviction for a felony drug offense has become final'' for ''one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this subchapter or subchapter I of this chapter or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final''.

Subsec. (b)(3). Pub. L. 103–322, § 90105(a), in sentence beginning ''If any person commits'', substituted ''a prior conviction for a felony drug offense has become final'' for ''one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this subchapter or subchapter I of this chapter or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final''.

Subsec. (d)(5), (6). Pub. L. 103–322, § 330024(d)(2), amended directory language of Pub. L. 103–200, § 5(b)(3). See 1993 Amendment note below.

1993—Subsec. (d). Pub. L. 103–200, § 5(b), as amended by Pub. L. 103–322, § 330024(d)(2), added pars. (5) and (6).

Pub. L. 103–200, § 4(b), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Any person who knowingly or intentionally—

''(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this subchapter or, in the case of an exportation, in violation of the law of the country to which the chemical is exported; or

''(2) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance in violation of this subchapter or, in the case of an exportation, in violation of the law of the country to which the chemical is exported;

shall be fined in accordance with title 18, or imprisoned not more than 10 years, or both.''

1990—Subsec. (b)(1)(H). Pub. L. 101–647, § 1204(a), added subpar. (H).

Subsec. (b)(2). Pub. L. 101–647, § 3599J, substituted ''supervised'' for ''suspervised'' in two places in concluding provisions.

Subsec. (b)(2)(H). Pub. L. 101–647, § 1204(b), added subpar. (H).

1988—Subsec. (a)(3). Pub. L. 100–690, § 6475, substituted ''manufactures, possesses with intent to distribute, or distributes a controlled substance'' for ''manufactures or distributes a controlled substance''.

Subsec. (d). Pub. L. 100–690, § 6053(c), added subsec. (d).

1986—Pub. L. 99–570, § 1005(c), amended Pub. L. 98–473, § 225. See 1984 Amendment note below.

Subsec. (b)(1), (2). Pub. L. 99–570, § 1302(a)(2), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) In the case of a violation under subsection (a) of this section involving—

''(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

''(i) coca leaves;

''(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

''(iii) a substance chemically identical thereto;

''(B) a kilogram or more of any other narcotic drug in schedule I or II;

''(C) 500 grams or more of phencyclidine (PCP);

''(D) 5 grams or more of lysergic acid diethylamide (LSD);

the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.

''(2) In the case of a violation under subsection (a) of this section with respect to a controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3), be imprisoned not more than fifteen years, or fined not more than $125,000, or both. If a sentence under this paragraph provides for imprisonment, the sentence shall include a special parole term of not less than three years in addition to such term of imprisonment.''

Subsec. (b)(3). Pub. L. 99–570, § 1302(a)(2), added par. (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 99–570, § 1302(a)(1), (3), (b)(2), (3), redesignated former par. (3) as (4), inserted ''except in the case of 100 or more marihuana plants regardless of weight,'' and substituted ''fined not to exceed the greater of that authorized in accordance with the provisions of title 18 or $250,000 if the defendant is an individual or $1,000,000 if the defendant is other than an individual'' for ''fined not more than $50,000''.

Pub. L. 99–570, §§ 1302(b)(1), 1866(e), made identical amendment striking out '', except as provided in paragraph (4)'' after ''such violation shall''.

Pub. L. 99–570, § 1004(a), substituted ''term of supervised release'' for ''special parole term'' in two places.

Subsec. (c). Pub. L. 99–570, § 1004(a), substituted ''term of supervised release'' for ''special parole term'' wherever appearing, effective Nov. 1, 1987, the effective date of the repeal of subsec. (c) by Pub. L. 98–473, § 225. See 1984 Amendment note below.

1984—Subsec. (b). Pub. L. 98–473, § 225(a), which directed amendment of this subsection effective Nov. 1, 1987 (see section 235(a)(1) of Pub. L. 98–473 set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure) was omitted in the general amendment of section 225 of Pub. L. 98–473 by Pub. L. 99–570, § 1005(c).

Subsec. (b)(1). Pub. L. 98–473, § 504(1), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 98–473, § 504(1), (2), redesignated former par. (1) as (2), inserted provisions excepting pars. (1) and (3), and substituted reference to controlled substance for reference to narcotic drug, and ''$125,000'' for ''$25,000''. Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 98–473, § 504(1), (3), redesignated former par. (2) as (3) and substituted ''less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4)'' for ''a controlled substance other than a narcotic drug in schedule I or II, the person committing such violation shall'', and ''$50,000'' for ''$15,000''.

Subsec. (c). Pub. L. 98–473, § 225, as amended by Pub. L. 99–570, § 1005(c), struck out subsec. (c) which related to special parole terms imposed under this section or section 962 of this title. Notwithstanding directory language that the amendment be made to ''Section 1515 of the Controlled Substances Import and Export Act (21 U.S.C. 960)'', the amendment was executed to this section as the probable intent of Congress.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–425 effective 180 days after Oct. 15, 2008, except as otherwise provided, see section 3(j) of Pub. L. 110–425, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 330024(d)(2) of Pub. L. 103–322 effective 120 days after Dec. 17, 1993, see section 330024(f) of Pub. L. 103–322, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–200 effective on date that is 120 days after Dec. 17, 1993, see section 11 of Pub. L. 103–200, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6053(c) of Pub. L. 100–690 effective 120 days after Nov. 18, 1988, see section 6061 of Pub. L. 100–690, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1004(a) of Pub. L. 99–570 effective on date of taking effect of section 3583 of Title 18, Crimes and Criminal Procedure (Nov. 1, 1987), see section 1004(b) of Pub. L. 99–570 set out as a note under section 841 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 225 of Pub. L. 98–473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 960a. Foreign terrorist organizations, terrorist persons and groups

(a) Prohibited acts

Whoever engages in conduct that would be punishable under section 841(a)[1] of this title if committed within the jurisdiction of the United States, or attempts or conspires to do so, knowing or intending to provide, directly or indirectly, anything of pecuniary value to any person or organization that has engaged or engages in terrorist activity (as defined in section 1182(a)(3)(B) of title 8) or terrorism (as defined in section 2656f(d)(2) of title 22), shall be sentenced to a term of imprisonment of not less than twice the minimum punishment under section 841(b)(1),[1] and not more than life, a fine in accordance with the provisions of title 18, or both. Notwithstanding section 3583 of title 18, any sentence imposed under this subsection shall include a term of supervised release of at least 5 years in addition to such term of imprisonment.

(b) Jurisdiction

There is jurisdiction over an offense under this section if—

(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

(2) the offense, the prohibited drug activity, or the terrorist offense occurs in or affects interstate or foreign commerce;

(3) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

(4) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

(5) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

(c) Proof requirements

To violate subsection (a), a person must have knowledge that the person or organization has engaged or engages in terrorist activity (as defined in section 1182(a)(3)(B) of title 8) or terrorism (as defined in section 2656f(d)(2) of title 22).

(d) Definition

As used in this section, the term ''anything of pecuniary value'' has the meaning given the term in section 1958(b)(1) of title 18.

(Pub. L. 91–513, title III, § 1010A, as added Pub. L. 109–177, title I, § 122, Mar. 9, 2006, 120 Stat. 225.)

[1] See References in Text note below.