

“(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 marijuana 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 marijuana, 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)<sup>1</sup> 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

<sup>1</sup> See References in Text note below.

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),<sup>1</sup> 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.)

REFERENCES IN TEXT

Section 841, referred to in the original in subsec. (a), probably should have been a reference to section 401 of Pub. L. 91-513, which is classified to section 841 of this title. Pub. L. 91-513 does not contain a section 841.

**§ 961. Prohibited acts B**

Any person who violates section 954 of this title or fails to notify the Attorney General of an importation or exportation under section 971 of this title shall be subject to the following penalties:

(1) Except as provided in paragraph (2), any such person shall, with respect to any such

violation, be subject to a civil penalty of not more than \$25,000. Sections 842(c)(1) and (c)(3) of this title shall apply to any civil penalty assessed under this paragraph.

(2) If such a violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally and the trier of fact specifically finds that the violation was so committed, such person shall be sentenced to imprisonment for not more than one year or a fine of not more than \$25,000 or both.

(Pub. L. 91-513, title III, §1011, Oct. 27, 1970, 84 Stat. 1290; Pub. L. 100-690, title VI, §6053(d), Nov. 18, 1988, 102 Stat. 4316.)

AMENDMENTS

1988—Pub. L. 100-690 inserted “or fails to notify the Attorney General of an importation or exportation under section 971 of this title”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by 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.

**§ 962. Second or subsequent offenses**

**(a) Term of imprisonment and fine**

Any person convicted of any offense under this subchapter is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both. If the conviction is for an offense punishable under section 960(b) of this title, and if it is the offender’s second or subsequent offense, the court shall impose, in addition to any term of imprisonment and fine, twice the term of supervised release otherwise authorized.

**(b) Determination of status**

For purposes of this section, a person shall be considered convicted of a second or subsequent offense if, prior to the commission of such offense, one or more prior convictions of such person for a felony drug offense have become final.

**(c) Procedures applicable**

Section 851 of this title shall apply with respect to any proceeding to sentence a person under this section.

(Pub. L. 91-513, title III, §1012, Oct. 27, 1970, 84 Stat. 1290; Pub. L. 98-473, title II, §§225(b), 505, Oct. 12, 1984, 98 Stat. 2030, 2070; Pub. L. 99-570, title I, §§1004(a), 1005(c), Oct. 27, 1986, 100 Stat. 3207-6; Pub. L. 103-322, title IX, §90105(b), Sept. 13, 1994, 108 Stat. 1988.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “one or more prior convictions of such person for a felony drug offense have become final” for “one or more prior convictions of him for a felony under any 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 drugs, have become final”.

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

Pub. L. 99-570, §1004(a), substituted “term of supervised release” for “special parole term”.

1984—Subsec. (a). Pub. L. 98-473, §225(b), which directed amendment of this section effective Nov. 1, 1987