

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. SHERRILL OF NEW JERSEY

Add at the end of title LVIII of division E the following:

1 **SEC. ____ . ELIMINATION OF SENTENCING DISPARITY FOR**
2 **COCAINE OFFENSES.**

3 (a) **ELIMINATION OF INCREASED PENALTIES FOR**
4 **COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS**
5 **COCAINE BASE.—**

6 (1) **CONTROLLED SUBSTANCES ACT.—**The fol-
7 lowing provisions of the Controlled Substances Act
8 (21 U.S.C. 801 et seq.) are repealed:

9 (A) Clause (iii) of section 401(b)(1)(A) (21
10 U.S.C. 841(b)(1)(A)).

11 (B) Clause (iii) of section 401(b)(1)(B)
12 (21 U.S.C. 841(b)(1)(B)).

13 (2) **CONTROLLED SUBSTANCES IMPORT AND**
14 **EXPORT ACT.—**The following provisions of the Con-
15 trolled Substances Import and Export Act (21
16 U.S.C. 951 et seq.) are repealed:

17 (A) Subparagraph (C) of section
18 1010(b)(1) (21 U.S.C. 960(b)(1)).

1 (B) Subparagraph (C) of section
2 1010(b)(2) (21 U.S.C. 960(b)(2)).

3 (3) APPLICABILITY TO PENDING AND PAST
4 CASES.—

5 (A) PENDING CASES.—This section, and
6 the amendments made by this subsection, shall
7 apply to any sentence imposed after the date of
8 enactment of this section, regardless of when
9 the offense was committed.

10 (B) PAST CASES.—

11 (i) IN GENERAL.—In the case of a de-
12 fendant who, on or before the date of en-
13 actment of this section, was sentenced for
14 a Federal offense described in clause (ii),
15 the sentencing court may, on motion of the
16 defendant, the Bureau of Prisons, the at-
17 torney for the Government, or on its own
18 motion, impose a reduced sentence after
19 considering the factors set forth in section
20 3553(a) of title 18, United States Code.

21 (ii) FEDERAL OFFENSE DE-
22 SCRIBED.—A Federal offense described in
23 this clause is an offense that involves co-
24 caine base that is an offense under one of
25 the following:

1 (I) Section 401 of the Controlled
2 Substances Act (21 U.S.C. 841).

3 (II) Section 1010 of the Con-
4 trolled Substances Import and Export
5 Act (21 U.S.C. 960).

6 (III) Section 404(a) of the Con-
7 trolled Substances Act (21 U.S.C.
8 844(a)).

9 (IV) Any other Federal criminal
10 offense, the conduct or penalties for
11 which were established by reference to
12 a provision described in subclause (I),
13 (II), or (III).

14 (iii) DEFENDANT NOT REQUIRED TO
15 BE PRESENT.—Notwithstanding Rule 43
16 of the Federal Rules of Criminal Proce-
17 dure, the defendant is not required to be
18 present at any hearing on whether to im-
19 pose a reduced sentence pursuant to this
20 subparagraph.

21 (iv) NO REDUCTION FOR PREVIOUSLY
22 REDUCED SENTENCES.—A court may not
23 consider a motion made under this sub-
24 paragraph to reduce a sentence if the sen-

1 tence was previously imposed or previously
2 reduced in accordance with this section.

3 (v) NO REQUIREMENT TO REDUCE
4 SENTENCE.—Nothing in this subparagraph
5 may be construed to require a court to re-
6 duce a sentence pursuant to this subpara-
7 graph.

8 (b) DETERMINATION OF BUDGETARY EFFECTS.—
9 The budgetary effects of this section, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010,
11 shall be determined by reference to the latest statement
12 titled “Budgetary Effects of PAYGO Legislation” for this
13 section, submitted for printing in the Congressional
14 Record by the Chairman of the House Budget Committee,
15 provided that such statement has been submitted prior to
16 the vote on passage.

