

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 118-36**  
**OFFERED BY MS. SHERRILL OF NEW JERSEY**

At the end of subtitle C of title XVII, insert the following new section:

1 **SEC. 17\_\_\_ . ELIMINATION OF INCREASED PENALTIES FOR**  
2 **COCAINE OFFENSES WHERE THE COCAINE**  
3 **INVOLVED IS COCAINE BASE.**

4 (a) CONTROLLED SUBSTANCES ACT.—The following  
5 provisions of the Controlled Substances Act (21 U.S.C.  
6 801 et seq.) are repealed:

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

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

11 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT  
12 ACT.—The following provisions of the Controlled Sub-  
13 stances Import and Export Act (21 U.S.C. 951 et seq.)  
14 are repealed:

15 (1) Subparagraph (C) of section 1010(b)(1) (21  
16 U.S.C. 960(b)(1)).

17 (2) Subparagraph (C) of section 1010(b)(2) (21  
18 U.S.C. 960(b)(2)).

1 (c) APPLICABILITY TO PENDING AND PAST CASES.—

2 (1) PENDING CASES.—This section, and the  
3 amendments made by this section, shall apply to any  
4 sentence imposed after the date of enactment of this  
5 Act, regardless of when the offense was committed.

6 (2) PAST CASES.—In the case of a defendant  
7 who, before the date of enactment of this Act, was  
8 convicted or sentenced for a Federal offense involv-  
9 ing cocaine base, the sentencing court may, on mo-  
10 tion of the defendant, the Bureau of Prisons, the at-  
11 torney for the Government, or on its own motion,  
12 impose a reduced sentence after considering the fac-  
13 tors set forth in section 3553(a) of title 18, United  
14 States Code.

