

107TH CONGRESS  
1ST SESSION

# H. R. 1978

To concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2001

Ms. WATERS (for herself, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CONYERS, Mr. CUMMINGS, Mr. FATAH, Mr. FRANK, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. MCGOVERN, Mr. MEEKS of New York, Mrs. MINK of Hawaii, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. WYNN, Ms. MCKINNEY, and Mr. WATT of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To concentrate Federal resources aimed at the prosecution of drug offenses on those offenses that are major.

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 “Major Drug Traf-  
5 ficking Prosecution Act of 2001”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Since the enactment of mandatory min-  
4 imum sentencing for drug users, the Federal Bureau  
5 of Prisons budget increased by more than 1,350 per-  
6 cent, from \$220,000,000 in 1986 to about  
7 \$3,019,000,000 in 1997.

8 (2) Mandatory minimums have not reduced sen-  
9 tencing discretion, but rather have transferred dis-  
10 cretion from judges to prosecutors. Prosecutors, not  
11 judges, have the discretion to reduce a charge, ac-  
12 cept or deny a plea bargain, reward or deny a de-  
13 fendant's substantial assistance or cooperation in the  
14 prosecution of someone else, and ultimately, to de-  
15 termine the final sentence of the defendant.

16 (3) African Americans comprise 12 percent of  
17 the United States population, 15 percent of drug  
18 users, 17 percent of cocaine users, but 33 percent of  
19 all Federal drug convictions and 57 percent of Fed-  
20 eral cocaine convictions.

21 (4) In 1986, before the mandatory minimums  
22 for crack cocaine offenses became effective, the aver-  
23 age Federal offense for African Americans was 11  
24 percent higher than whites. Following the implemen-  
25 tation of mandatory drug sentencing laws, the aver-

1        age drug offense sentence for African Americans was  
2        49 percent higher than whites.

3            (5) The average dealer holds a low-wage job  
4        and sells part time to obtain for his or her own use.

5            (6) According to the Justice Department, the  
6        time spent in prison does not affect recidivism rates.

7        **SEC. 3. APPROVAL OF CERTAIN PROSECUTIONS BY ATTOR-**  
8            **NEY GENERAL.**

9        A Federal prosecution for an offense under the Con-  
10        trolled Substances Act, the Controlled Substances Import  
11        and Export Act, or for any conspiracy to commit such an  
12        offense, where the offense involves the illegal distribution  
13        or possession of a controlled substance in an amount less  
14        than that amount specified as a minimum for an offense  
15        under section 401(b)(1)(A) of the Controlled Substances  
16        Act (21 U.S.C. 841(b)(1)(A)) or, in the case of any sub-  
17        stance containing cocaine or cocaine base, in an amount  
18        less than 500 grams, shall not be commenced without the  
19        prior written approval of the Attorney General.

20        **SEC. 4. MODIFICATION OF CERTAIN SENTENCING PROVI-**  
21            **SIONS.**

22            (a) SECTION 404.—Section 404(a) of the Controlled  
23        Substances Act (21 U.S.C. 844(a)) is amended—

24            (1) by striking “not less than 15 days but”;

25            (2) by striking “not less than 90 days but”;

1           (3) by striking “not less than 5 years and”; and

2           (4) by striking the sentence beginning “The im-  
3           position or execution of a minimum sentence”.

4           (b) SECTION 401.—Section 401(b) of the Controlled  
5           Substances Act (21 U.S.C. 841(b)) is amended.—

6           (1) in paragraph (1)(A)—

7                 (A) by striking “which may not be less  
8                 than 10 years and or more than” and inserting  
9                 “for any term of years or for”;

10                (B) by striking “and if death” the first  
11                place it appears and all that follows through  
12                “20 years or more than life” the first place it  
13                appears;

14                (C) by striking “which may not be less  
15                than 20 years and not more than life imprison-  
16                ment” and inserting “for any term of years or  
17                for life”;

18                (D) by inserting “imprisonment for any  
19                term of years or” after “if death or serious bod-  
20                ily injury results from the use of such substance  
21                shall be sentenced to”;

22                (E) by striking the sentence beginning “If  
23                any person commits a violation of this subpara-  
24                graph”;

1 (F) by striking the sentence beginning  
2 “Notwithstanding any other provision of law”  
3 and the sentence beginning “No person sen-  
4 tenced”; and

5 (2) in paragraph (1)(B)—

6 (A) by striking “which may not be less  
7 than 5 years and” and inserting “for”;

8 (B) by striking “not less than 20 years or  
9 more than” and inserting “for any term of  
10 years or to”;

11 (C) by striking “which may not be less  
12 than 10 years and more than” and inserting  
13 “for any term of years or for”;

14 (D) by inserting “imprisonment for any  
15 term of years or to” after “if death or serious  
16 bodily injury results from the use of such sub-  
17 stance shall be sentenced to”;

18 (E) by striking the sentence beginning  
19 “Notwithstanding any other provision of law”.

20 (c) SECTION 1010.—Section 1010(b) of the Con-  
21 trolled Substances Import and Export Act (21 U.S.C.  
22 960(b)) is amended—

23 (1) in paragraph (1)—

1 (A) by striking “of not less than 10 years  
2 and not more than” and inserting “for any  
3 term of years or for”;

4 (B) by striking “and if death” the first  
5 place it appears and all that follows through  
6 “20 years and not more than life” the first  
7 place it appears;

8 (C) by striking “of not less than 20 years  
9 and not more than life imprisonment” and in-  
10 sserting “for any term of years or for life”;

11 (D) by inserting “imprisonment for any  
12 term of years or to” after “if death or serious  
13 bodily injury results from the use of such sub-  
14 stance shall be sentenced to”;

15 (E) by striking the sentence beginning  
16 “Notwithstanding any other provision of law”;  
17 and

18 (2) in paragraph (2)—

19 (A) by striking “not less than 5 years  
20 and”;

21 (B) by striking “of not less than twenty  
22 years and not more than” and inserting “for  
23 any term of years or for”;

1           (C) by striking “of not less than 10 years  
2           and not more than” and inserting “for any  
3           term of years or to”;

4           (D) by inserting “imprisonment for any  
5           term of years or to” after “if death or serious  
6           bodily injury results from the use of such sub-  
7           stance shall be sentenced to”;

8           (E) by striking the sentence beginning  
9           “Notwithstanding any other provision of law”.

10       (d) SECTION 418.—Section 418 of the Controlled  
11       Substances Act (21 U.S.C. 859) is amended by striking  
12       the sentence beginning “Except to the extent” each place  
13       it appears and by striking the sentence beginning “The  
14       mandatory minimum”.

15       (e) SECTION 419.—Section 419 of the Controlled  
16       Substances Act (21 U.S.C. 860) is amended by striking  
17       the sentence beginning “Except to the extent” each place  
18       it appears and by striking the sentence beginning “The  
19       mandatory minimum”.

20       (f) SECTION 420.—Section 420 of the Controlled  
21       Substances Act (21 U.S.C. 861) is amended—

22           (1) by striking subsection (e); and

23           (2) in subsection (f), by striking “, (c), and (e)”

24       and inserting “and (e)”.

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