

107TH CONGRESS
1ST SESSION

H. R. 765

To amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2001

Mr. WYNN (for himself, Ms. MCKINNEY, Mr. HINCHEY, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. CLAY, Mr. TOWNS, Ms. LEE, Mr. MCGOVERN, Mr. DAVIS of Illinois, Ms. MCCARTHY of Missouri, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. PAYNE, Mr. STARK, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision.

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 “Safety Valve Fairness
5 Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) mandatory minimum sentencing laws, en-
2 acted in 1986, require lengthy sentences for drug of-
3 fenses and allow judges little or no discretion to con-
4 sider such factors as whether an offender played
5 only a minor role in a drug conspiracy or the offend-
6 er’s potential for rehabilitation;

7 (2) according to a December 2000 publication
8 authored by the Federal Bureau of Prisons, drug de-
9 fendants comprise 57 percent of the Federal prison
10 population, up from 38 percent in 1986 when man-
11 datory sentencing laws were passed;

12 (3) a provision in the 1994 Crime Bill, com-
13 monly known as the “safety valve” provision, allows
14 judges to apply sentencing guidelines instead of
15 mandatory sentences to drug offenders who meet the
16 criteria defined by Congress: first-time, nonviolent
17 drug offenders who were not leaders or organizers,
18 did not use a firearm, and provided the government
19 with all the information they had about their cases;

20 (4) the 1994 safety valve provision was not
21 retroactively applied and does not apply to sentences
22 imposed on, or before September 13, 1994; and

23 (5) according to the 1999 Sourcebook of Fed-
24 eral Sentencing Statistics, prepared by the United
25 States Sentencing Commission, in fiscal year 1999

1 nearly 21 percent of the offenders sentenced for
2 Federal drug crimes qualified for the safety valve.

3 **SEC. 3. EXTENSION OF APPLICATION OF LIMITATION ON**
4 **STATUTORY MINIMUMS IN CERTAIN CASES.**

5 (a) **IN GENERAL.**—Section 3553(f) of title 18, United
6 States Code, is amended by inserting “whether or not the
7 sentence for that offense was imposed before, on, or after
8 the date of the enactment of this subsection,” before “the
9 court shall impose a sentence”.

10 (b) **EFFECT ON EXISTING CONVICTIONS.**—The
11 amendment made by this section shall apply with respect
12 to sentences imposed before the date of enactment of this
13 Act but not yet completed. A prisoner may who was so
14 sentenced may petition for reconsideration of that sen-
15 tence.

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