

111TH CONGRESS
1ST SESSION

H. R. 1459

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2009

Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. NADLER of New York, Ms. WATERS, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. PAYNE, Mr. COHEN, Ms. NORTON, and Mr. RANGEL) 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

A BILL

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes.

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 “Fairness in Cocaine
5 Sentencing Act of 2009”.

1 **SEC. 2. ELIMINATION OF INCREASED PENALTIES FOR CO-**
2 **CAINE OFFENSES WHERE THE COCAINE IN-**
3 **VOLVED 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 are repealed: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).
- 8 (2) Clause (iii) of section 401(b)(1)(B).
- 9 (3) The sentence beginning “Notwithstanding
10 the preceding sentence” in section 404(a).

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14 are repealed: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).
- 16 (2) Subparagraph (C) of section 1010(b)(2).

17 **SEC. 3. REESTABLISHMENT OF POSSIBILITY OF PROBA-**
18 **TIONARY SENTENCE.**

19 (a) CONTROLLED SUBSTANCES ACT.—Section
20 401(b)(1) of the Controlled Substances Act (21 U.S.C.
21 841(b)(1)) is amended—

- 22 (1) in each of subparagraphs (A) and (B), by
23 striking the last two sentences; and
- 24 (2) by striking the final sentence of subpara-
25 graph (C).

1 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
2 ACT.—Section 1010(b) of the Controlled Substances Im-
3 port and Export Act (21 U.S.C. 960(b)) is amended in
4 each of paragraphs (1) and (2), by striking the last two
5 sentences.

6 **SEC. 4. ELIMINATION OF MINIMUM MANDATORY IMPRISON-**
7 **MENT PENALTIES FOR COCAINE OFFENSES.**

8 (a) CONTROLLED SUBSTANCES ACT.—

9 (1) Section 401(b)(1)(A) of the Controlled Sub-
10 stances Act (21 U.S.C. 841(b)(1)(A)) is amended by
11 adding at the end the following: “However, any min-
12 imum term of imprisonment otherwise required
13 under this subparagraph shall not apply to an of-
14 fense under clause (ii).”.

15 (2) Section 401(b)(1)(B) of the Controlled Sub-
16 stances Act (21 U.S.C. 841(b)(1)(B)) is amended by
17 adding at the end the following: “However, any min-
18 imum term of imprisonment otherwise required
19 under this subparagraph shall not apply to an of-
20 fense under clause (ii).”.

21 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
22 ACT.—

23 (1) Section 1010(b)(1) of the Controlled Sub-
24 stances Import and Export Act (21 U.S.C.
25 960(b)(1)) is amended by adding at the end the fol-

1 lowing: “However, any minimum term of imprison-
2 ment otherwise required under this paragraph shall
3 not apply to an offense under subparagraph (B).”.

4 (2) Section 1010(b)(2) of the Controlled Sub-
5 stances Import and Export Act (21 U.S.C.
6 960(b)(2)) is amended by adding at the end the fol-
7 lowing: “However, any minimum term of imprison-
8 ment otherwise required under this paragraph shall
9 not apply to an offense under subparagraph (B).”.

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