

106TH CONGRESS
1ST SESSION

H. R. 1241

To amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate mandatory minimum penalties relating to crack cocaine offenses.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Ms. WATERS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on 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 to eliminate mandatory minimum penalties relating to crack cocaine offenses.

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 “Elimination of the
5 Crack Cocaine Disparate Sentencing Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) Powder cocaine and crack cocaine are 2
5 forms of the same drugs, containing the same active
6 ingredients.

7 (2) In 1986, before the mandatory minimums
8 for crack cocaine offenses became effective, the aver-
9 age Federal offense for African Americans was 11
10 percent higher than whites. Following the implemen-
11 tation of mandatory drug sentencing laws, the aver-
12 age drug offense sentence for African Americans was
13 49 percent higher than whites.

14 (3) Only 5 percent of Federal crack cocaine de-
15 fendants are high-level dealers.

16 (4) 96 percent of Federal crack cocaine defend-
17 ants are African American or Hispanic.

18 (5) Low-level crack cocaine dealers and first-
19 time offenders sentences for trafficking crack co-
20 caine receive an average sentence of 10 years and 6
21 months. This sentence is—

22 (A) only 18 percent less than the average
23 sentence served by those convicted of murder or
24 manslaughter;

1 (B) 59 percent longer than the average
2 prison sentence received by convicted rapists;
3 and

4 (C) 38 percent longer than the average
5 prison sentence received by those convicted of
6 weapons offenses;

7 (6) African Americans comprise 12 percent of
8 the United States population, 15 percent of drug
9 users, 17 percent of cocaine users, but 55 percent of
10 all Federal drug convictions; and

11 (7) 54 percent of African Americans convicted
12 of drug offenses get sentenced to prison versus 34
13 percent of whites convicted for the same offenses. 44
14 percent of African Americans get prison sentences
15 for possession versus 29 percent of whites; 60 per-
16 cent of African Americans are sentenced to prison
17 for trafficking while 37 percent of whites are sen-
18 tenced to prison for that same crime.

19 **SEC. 3. TRAFFICKING AMENDMENTS.**

20 (a) 50 GRAM PENALTY.—Section 501(b)(1)(A) of the
21 Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is
22 amended by striking clause (iii).

23 (b) 5 GRAM PENALTY.—Section 401(b)(1)(B) of the
24 Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is
25 amended by striking clause (iii).

1 **SEC. 4. POSSESSION AMENDMENT.**

2 Section 404(a) of the Controlled Substances Act (21
3 U.S.C. 844(a)) is amended by striking the sentence that
4 begins “Notwithstanding the preceding sentence”.

5 **SEC. 5. IMPORTATION AMENDMENTS.**

6 (a) 50 GRAM PENALTY.—Section 1010(b)(1) of the
7 Controlled Substances Import and Export Act (21 U.S.C.
8 960(b)(1)) is amended by striking subparagraph (C).

9 (b) 5 GRAM PENALTY.—Section 1010(b)(2) of the
10 Controlled Substances Import and Export Act (21 U.S.C.
11 960(b)(2)) is amended by striking subparagraph (C).

12 **SEC. 6. SENTENCING COMMISSION TO AMEND GUIDELINES.**

13 Not later than 30 days after the date of the enact-
14 ment of this Act, the United States Sentencing Commis-
15 sion shall promulgate such amendments to the Sentencing
16 Guidelines as are necessary to conform those guidelines
17 to the amendments made by this Act.

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