

106TH CONGRESS  
1ST SESSION

# H. R. 1681

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 4, 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

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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 1999”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) Since the enactment of mandatory min-  
9       imum sentencing for drug users, the Federal Bureau

1 of Prisons budget increased by more than 1,350 per-  
2 cent, from \$220,000,000 in 1986 to about  
3 \$3,019,000,000 in 1997.

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

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

17 (4) In 1986, before the mandatory minimums  
18 for crack cocaine offenses became effective, the aver-  
19 age Federal offense for African Americans was 11  
20 percent higher than whites. Following the implemen-  
21 tation of mandatory drug sentencing laws, the aver-  
22 age drug offense sentence for African Americans was  
23 49 percent higher than whites.

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

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

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

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

16   **SEC. 4. MODIFICATION OF CERTAIN SENTENCING PROVI-**  
17                           **SIONS.**

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

- 20                   (1) by striking “not less than 15 days but”;  
21                   (2) by striking “not less than 90 days but”;  
22                   (3) by striking “not less than 5 years and” and  
23                   (4) by striking the sentence beginning “No per-  
24                   son sentenced under”.

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

3           (1) in paragraph (1)(A)—

4               (A) by striking “which may not be less  
5 than 10 years and not more than” and insert-  
6 ing “for any term or years or for”;

7               (B) by striking “and if death” the first  
8 place it appears and all that follows through  
9 “20 years or more than life” the first place it  
10 appears;

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

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

19              (E) by striking the sentence beginning “If  
20 any person commits a violation of this subpara-  
21 graph”;

22              (F) by striking the sentence beginning  
23 “Notwithstanding any other provision of law”  
24 and the sentence beginning “No person sen-  
25 tenced”; and

1 (2) in paragraph (1)(B)—

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

4 (B) by striking “not less than 20 years or  
5 more than” and inserting “for any term or  
6 years or to”;

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

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

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

16 (c) SECTION 1010.—Section 1010(b) of the Con-  
17 trolled Substances Import and Export Act (21 U.S.C.  
18 960(b)) is amended—

19 (1) in paragraph (1)—

20 (A) by striking “of not less than 10 years  
21 and not more than” and inserting “for any  
22 term or years or for”;

23 (B) by striking “and if death” the first  
24 place it appears and all that follows through

1 “20 years and not more than life” the first  
2 place it appears;

3 (C) by striking “of not less than 20 years  
4 and not more than life imprisonment” and in-  
5 serting “for any term or years or for life”;

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

10 (E) by striking the sentence beginning  
11 “Notwithstanding any other provision of law”;  
12 and

13 (2) in paragraph (2)—

14 (A) by striking “not less than 5 years  
15 and”;

16 (B) by striking “not less than twenty years  
17 and not more than” and inserting “for any  
18 term or years or for”;

19 (C) by striking “of not less than 10 years  
20 and not more than” and inserting “for any  
21 term or years or to”;

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

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

3           (d) SECTION 859.—Section 859 of the Controlled  
4 Substances Act (21 U.S.C. 418) is amended by striking  
5 the sentence beginning “Except to the extent” each place  
6 it appears and by striking the sentence beginning “The  
7 mandatory minimum”.

8           (e) SECTION 860.—Section 860 of the Controlled  
9 Substances Act (21 U.S.C. 419) is amended by striking  
10 the sentence beginning “Except to the extent” each place  
11 it appears and by striking the sentence beginning “The  
12 mandatory minimum”.

13          (f) SECTION 861.—Section 861 of the Controlled  
14 Substances Act (21 U.S.C. 420) is amended by striking  
15 subsection (e)”.

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