To establish appropriate penalties for cocaine-related offenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. LEE, Mr. WICKER, and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish appropriate penalties for cocaine-related offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Start Making Adjustments and Require Transparency in Cocaine Sentencing Act” or the “SMART Cocaine Sentencing Act”.

SEC. 2. PENALTIES FOR COCAINE-RELATED OFFENSES.

(a) IN GENERAL.—
(1) Controlled substances act.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), in the matter preceding subclause (I), by striking “5 kilograms” and inserting “4 kilograms”; and

(ii) in clause (iii), by striking “280 grams” and inserting “1,600 grams”; and

(B) in subparagraph (B)—

(i) in clause (ii), in the matter preceding subclause (I), by striking “500 grams” and inserting “400 grams”; and

(ii) in clause (iii), by striking “28 grams” and inserting “160 grams”.

(2) Controlled substances import and export act.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), in the matter preceding clause (i), by striking “5 kilograms” and inserting “4 kilograms”;
(ii) in subparagraph (C), by striking “280 grams” and inserting “1,600 grams”; and

(iii) in subparagraph (H), by striking the period at the end and inserting a semi-colon; and

(B) in paragraph (2)—

(i) in subparagraph (B), in the matter preceding clause (i), by striking “500 grams” and inserting “400 grams”;

(ii) in subparagraph (C), by striking “28 grams” and inserting “160 grams”;

and

(iii) in subparagraph (H), by striking the period at the end and inserting a semi-colon.

(b) ATTORNEY GENERAL CERTIFICATION.—

(1) IN GENERAL.—For a defendant sentenced before the date of enactment of this Act, the Attorney General shall submit to the court that sentenced the defendant a certification regarding whether, in the opinion of the Attorney General, the sentence of the defendant should be reduced, as if the amendments made by subsection (a) were in effect at the time the offense was committed. In making a certifi-
cation under this paragraph, the Attorney General shall consider the factors in section 3553(a) of title 18, United States Code.

(2) RESENTENCING.—If the Attorney General submits a certification under paragraph (1) indicating that, in the opinion of the Attorney General, the sentence of the defendant should be reduced, as if the amendments made by subsection (a) were in effect at the time the offense was committed, the court that imposed the sentence of the defendant may impose such a reduced sentence.

SEC. 3. FEDERAL RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in coordination with the Administrator of the Drug Enforcement Administration and the Secretary of Health and Human Services, shall review and submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on the Judiciary and the Committee on Energy and Commerce of the House of Representatives a report on—

(1) the average individual dosage amount of both powder cocaine and cocaine base;
(2) the lethality of both powder cocaine and cocaine base as measured by individual dosage;

(3) the impact on lethality that polysubstance use, specifically as to synthetic drugs such as fentanyl and fentanyl-related substances, has on both powder cocaine and cocaine base users;

(4) the addictiveness of both powder cocaine and cocaine base;

(5) the violence attributed to or associated with both powder cocaine and cocaine base, which may include but is not limited to, criminal charges, statutory enhancements, criminal history, and recidivism data; and

(6) the impact on addictiveness that polysubstance use, specifically as to synthetic drugs such as fentanyl and fentanyl-related substances, has on both powder cocaine and cocaine base users.

(b) Report by United States Sentencing Commission.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress and publicly issue a report regarding cocaine offenses and offenders.
(2) CONTENTS.—The report under paragraph (1) shall include—

(A) an analysis of data available to the Commission on Federal cocaine offenses and offenders;

(B) an updated description of the forms of cocaine, methods of use, effects, dependency potential, effects of prenatal exposure, and prevalence of cocaine use;

(C) an updated description of trends in cocaine trafficking patterns, price, and use;

(D) a review of State sentencing policies and an examination of the interaction of State penalties with Federal prosecutorial decisions;

(E) a review of recent Federal case law developments relating to Federal cocaine sentencing; and

(F) recommendations to Congress.