

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1693
OFFERED BY M. _____**

Page 2, strike lines 10 through 18, and insert the following:

1 (2) PAST CASES.—

2 (A) IN GENERAL.—In the case of a defend-
3 ant who, on or before the date of enactment of
4 this Act, was sentenced for a Federal offense
5 described in subparagraph (B), the sentencing
6 court may, on motion of the defendant, the Bu-
7 reau of Prisons, the attorney for the Govern-
8 ment, or on its own motion, impose a reduced
9 sentence after considering the factors set forth
10 in section 3553(a) of title 18, United States
11 Code.

12 (B) FEDERAL OFFENSE DESCRIBED.—A
13 Federal offense described in this subparagraph
14 is an offense that involves cocaine base that is
15 an offense under one of the following:

16 (i) Section 401 of the Controlled Sub-
17 stances Act (21 U.S.C. 841).

1 (ii) Section 1010 of the Controlled
2 Substances Import and Export Act (21
3 U.S.C. 960).

4 (iii) Section 404(a) of the Controlled
5 Substances Act (21 U.S.C. 844(a)).

6 (iv) Any other Federal criminal of-
7 fense, the conduct or penalties for which
8 were established by reference to a provision
9 described in clause (i), (ii), or (iii).

10 (C) DEFENDANT NOT REQUIRED TO BE
11 PRESENT.—Notwithstanding Rule 43 of the
12 Federal Rules of Criminal Procedure, the de-
13 fendant is not required to be present at any
14 hearing on whether to impose a reduced sen-
15 tence pursuant to this paragraph.

16 (D) NO REDUCTION FOR PREVIOUSLY RE-
17 DUCED SENTENCES.—A court may not consider
18 a motion made under this paragraph to reduce
19 a sentence if the sentence was previously im-
20 posed or previously reduced in accordance with
21 this Act.

22 (E) NO REQUIREMENT TO REDUCE SEN-
23 TENCE.—Nothing in this paragraph may be

1 construed to require a court to reduce a sen-
2 tence pursuant to this paragraph.

