

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5455  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Terry Technical Cor-  
3 rection Act”.

**4 SEC. 2. APPLICATION OF FAIR SENTENCING ACT OF 2010.**

5       Section 404 of the First Step Act of 2018 (21 U.S.C.  
6 841 note) is amended—

7           (1) in subsection (a)—

8                   (A) by striking “‘covered offense’ means”  
9                   and inserting the following:

10          “‘covered offense’—

11               “(1) means”;

12                   (B) by striking the period at the end and  
13                   inserting “; and”; and

14                   (C) by adding at the end the following:

15          “(2) includes a violation, involving cocaine base,  
16          of—

17                   “(A) section 3113 of title 5, United States  
18          Code;

1           “(B) section 401(b)(1)(C) of the Con-  
2           trolled Substances Act (21 U.S.C.  
3           841(b)(1)(C));

4           “(C) section 404(a) of the Controlled Sub-  
5           stances Act (21 U.S.C. 844(a));

6           “(D) section 406 of the Controlled Sub-  
7           stances Act (21 U.S.C. 846);

8           “(E) section 408 of the Controlled Sub-  
9           stances Act (21 U.S.C. 848);

10          “(F) subsection (b) or (c) of section 409 of  
11          the Controlled Substances Act (21 U.S.C. 849);

12          “(G) subsection (a) or (b) of section 418  
13          of the Controlled Substances Act (21 U.S.C.  
14          859);

15          “(H) subsection (a), (b), or (c) of section  
16          419 of the Controlled Substances Act (21  
17          U.S.C. 860);

18          “(I) section 420 of the Controlled Sub-  
19          stances Act (21 U.S.C. 861);

20          “(J) section 1010(b)(3) of the Controlled  
21          Substances Import and Export Act (21 U.S.C.  
22          960(b)(3));

23          “(K) section 1010A of the Controlled Sub-  
24          stances Import and Export Act (21 U.S.C.  
25          960a);

1           “(L) section 90103 of the Violent Crime  
2           Control and Law Enforcement Act of 1994 (34  
3           U.S.C. 12522);

4           “(M) section 70503 or 70506 of title 46,  
5           United States Code; or

6           “(N) any attempt, conspiracy or sollicita-  
7           tion to commit an offense described in subpara-  
8           graphs (A) through (M).”; and

9           (2) in subsection (c), by inserting “A motion  
10          made under this section that was denied after a  
11          court determination that a violation described in  
12          subsection (a)(2) was not a covered offense shall not  
13          be considered a denial after a complete review of the  
14          motion on the merits within the meaning of this sec-  
15          tion.” after the period at the end of the second sen-  
16          tence.

