

1 “(i) LIMITATION ON APPLICABILITY OF CERTAIN
2 STATUTORY MINIMUMS.—Notwithstanding any other pro-
3 vision of law, in the case of a conviction under section 401
4 or 406 of the Controlled Substances Act (21 U.S.C. 841
5 and 846) or section 1010 or 1013 of the Controlled Sub-
6 stances Import and Export Act (21 U.S.C. 960 and 963)
7 for which the statutory minimum term of imprisonment
8 is 5 years, the court may impose a sentence as if the statu-
9 tory minimum term of imprisonment was 2 years, if the
10 court finds at sentencing, after the Government has been
11 afforded the opportunity to make a recommendation,
12 that—

13 “(1) the defendant does not have a prior convic-
14 tion for a serious drug felony or serious violent fel-
15 ony as defined in paragraphs (57) and (58), respec-
16 tively, of section 102 of the Controlled Substances
17 Act (21 U.S.C. 802) that was made final prior to
18 the commission of the instant offense;

19 “(2) the defendant did not use violence or cred-
20 ible threats of violence or possess a firearm or other
21 dangerous weapon (or induce another participant to
22 do so) in connection with the offense, and the of-
23 fense did not result in death or serious bodily injury
24 to any person;

1 “(3) the defendant did not play an enhanced
2 role in the offense by acting as an organizer, leader,
3 manager, or supervisor of other participants in the
4 offense, as determined under the sentencing guide-
5 lines, or by exercising substantial authority or con-
6 trol over the criminal activity of a criminal organiza-
7 tion, regardless of whether the defendant was a
8 member of such organization;

9 “(4) the defendant did not act as an importer,
10 exporter, high-level distributor or supplier, whole-
11 saler, or manufacturer of the controlled substances
12 involved in the offense or engage in a continuing
13 criminal enterprise, as defined in section 408 of the
14 Controlled Substances Act (21 U.S.C. 848);

15 “(5) the defendant did not distribute a con-
16 trolled substance to or with a person under 18 years
17 of age; and

18 “(6) not later than the time of the sentencing
19 hearing, the defendant has truthfully provided to the
20 Government all information and evidence the defend-
21 ant has concerning the offense or offenses that were
22 part of the same course of conduct or of a common
23 scheme or plan, but the fact that the defendant has
24 no relevant or useful other information to provide or
25 that the Government is already aware of the infor-

1 mation shall not preclude a determination by the
2 court that the defendant has complied with this re-
3 quirement.

4 On page 8, line 24, strike “(i)” and insert “(j)”.

5 On page 11, strike line 1 and insert the following:

6 “(k) LIMITATION ON USE OF INFORMATION.—Any
7 information or evidence provided by the defendant to the
8 Government pursuant to subsections (i)(6) and (j)(6) that
9 was not previously known to the Government may not be
10 used to increase the defendant’s applicable offense level
11 under the sentencing guidelines or otherwise to increase
12 any term of imprisonment imposed on the defendant for
13 the offense for which the defendant is to be sentenced.

14 “(l) DEFINITIONS.—As used in subsections (i) and
15 (j) of this