

PROVIDING FOR THE CONSIDERATION OF H.R. 2259, DIS-
APPROVAL OF CERTAIN SENTENCING GUIDELINE
AMENDMENTS

OCTOBER 17, 1995.—Referred to the House Calendar and ordered to be printed

Ms. PRYCE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 237]

The Committee on Rules, having had under consideration House Resolution 237, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2259, the “Disapproval of Certain Sentencing Guideline Amendments” under a modified closed rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives clause 2(l)(2)(B) of rule XI (requiring inclusion in committee reports of rollcall vote results) against consideration of the bill. It provides for the adoption in the House and in the Committee of the Whole of an amendment in the nature of a substitute, consisting of the text of the Senate-passed bill (S. 1254).

The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of amendment, and shall be considered as read. The rule makes in order an amendment in the nature of a substitute printed in this report, to be offered by Representative Conyers or his designee, which shall be considered as read, shall be debatable for one hour, and shall not be subject to amendment. The rule provides one motion to recommit with or without instructions.

The rule further provides that after passage of the House bill, it will be in order to take up the Senate bill, and waives all points of order against the Senate bill and against its consideration. The rule makes it in order to move to strike the text of the Senate bill and insert the House-passed text, and waives all points of order

against that motion. Finally, the rule provides that if the motion is adopted and the Senate bill is passed, then it will be in order to move that the House request a conference with the Senate.

THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED
BY REPRESENTATIVE CONYERS OF MICHIGAN OR HIS DESIGNEE,
DEBATABLE FOR 1 HOUR

Strike all after the enacting clause and insert the following:

SECTION 1. DISAPPROVAL OF AMENDMENTS RELATING TO LOWERING OF CRACK SENTENCES AND SENTENCES FOR MONEY LAUNDERING AND TRANSACTIONS IN PROPERTY DERIVED FROM UNLAWFUL ACTIVITY.

In accordance with section 994(p) of title 28, United States Code, amendments numbered 5 and 18 (except to the extent they amend section 2D2.1) of the "Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary", submitted by the United States Sentencing Commission to Congress on May 1, 1995, are hereby disapproved and shall not take effect.

SEC. 2. REDUCTION OF SENTENCING DISPARITY.

(a) RECOMMENDATIONS.—

(1) IN GENERAL.—The United States Sentencing Commission shall submit to Congress recommendations (and an explanation therefor), regarding changes to the statutes and sentencing guidelines governing sentences for unlawful manufacturing, importing, exporting, and trafficking of cocaine, and like offenses, including unlawful possession, possession with intent to commit any of the forgoing offenses, and attempt and conspiracy to commit any of the forgoing offenses. The recommendations shall reflect the following considerations—

(A) the sentence imposed for trafficking in a quantity of crack cocaine should generally exceed the sentence imposed for trafficking in a like quantity of powder cocaine;

(B) high-level wholesale cocaine traffickers, organizers, and leaders, of criminal activities should generally receive longer sentences than low-level retail cocaine traffickers and those who played a minor or minimal role in such criminal activity;

(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

(D) an enhanced sentence should generally be imposed on a defendant who, in the course of an offense described in this subsection—

(i) murders or causes serious bodily injury to an individual;

(ii) uses a dangerous weapon;

(iii) uses or possesses a firearm;

(iv) involves a juvenile or a woman who the defendant knows or should know to be pregnant;

(v) engages in a continuing criminal enterprise or commits other criminal offenses in order to facilitate his drug trafficking activities;

(vi) knows, or should know, that he is involving an unusually vulnerable person;

(vii) restrains a victim;

(viii) traffics in cocaine within 500 feet of a school;

(ix) obstructs justice;

(x) has a significant prior criminal record; or

(xi) is an organizer or leader of drug trafficking activities involving five or more persons.

(2) **RATIO.**—The recommendations described in the preceding subsection shall propose revision of the drug quantity ratio of crack cocaine to powder cocaine under the relevant statutes and guidelines in a manner consistent with the ratios set for other drugs and consistent with the objectives set forth in section 3553(a) of title 28, United States Code.

(b) **STUDY.**—No later than May 1, 1996, the Department of Justice shall submit to the Judiciary Committees of the Senate and House of Representatives a report on the charging and plea practices of Federal prosecutors with respect to the offense of money laundering. Such study shall include an account of the steps taken or to be taken by the Justice Department to ensure consistency and appropriateness in the use of the money laundering statute. The Sentencing Commission shall submit to the Judiciary Committees comments on the study prepared by the Department of Justice.