

Union Calendar No. 253

103D CONGRESS
2D SESSION

H. R. 3979

[Report No. 103-460]

A BILL

To amend title 18, United States Code, with respect to certain mandatory minimum sentences.

MARCH 24, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1994

Mr. SCHUMER (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 24, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 8, 1994]

A BILL

To amend title 18, United States Code, with respect to certain mandatory minimum sentences.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. SHORT TITLE.**
- 4 *This Act may be cited as the “Mandatory Minimum*
- 5 *Sentencing Reform Act of 1994”.*

1 **SEC. 2. LIMITATION ON APPLICABILITY OF MANDATORY**
2 **MINIMUM PENALTIES IN CERTAIN CASES.**

3 (a) *IN GENERAL.*—Section 3553 of title 18, United
4 States Code, is amended by adding at the end the following:

5 “(f) *LIMITATION ON APPLICABILITY OF STATUTORY*
6 *MINIMUMS IN CERTAIN CASES.*—Notwithstanding any
7 other provision of law, in the case of an offense under sec-
8 tion 401, 404, or 406 of the Controlled Substances Act or
9 section 1010 or 1013 of the Controlled Substances Import
10 and Export Act, the court shall impose a sentence pursuant
11 to guidelines established by the United States Sentencing
12 Commission, without regard to any statutory minimum
13 sentence, if the court finds at sentencing that—

14 “(1) the defendant does not have more than 1
15 criminal history point under the United States Sen-
16 tencing Commission Guidelines Manual;

17 “(2) the defendant did not use violence or credi-
18 ble threats of violence or possess a firearm or other
19 dangerous weapon (or induce another participant do
20 so) in connection with the offense;

21 “(3) the offense did not result in death or serious
22 bodily injury to any person;

23 “(4) the defendant was a not an organizer, lead-
24 er, manager, or supervisor of others (as determined
25 under the United States Sentencing Commission
26 Guidelines Manual) in the offense; and

1 “(5) no later than the time of the sentencing
2 hearing, the defendant has provided to the Govern-
3 ment all information the defendant has concerning
4 the offense or offenses that were part of the same
5 course of conduct or of a common scheme or plan. The
6 fact that the defendant has no relevant or useful other
7 information to provide shall not preclude or require
8 a determination by the court that the defendant has
9 complied with this requirement.”.

10 (b) *SENTENCING COMMISSION AUTHORITY.*—

11 (1) *IN GENERAL.*—The United States Sentencing
12 Commission (hereinafter in this section referred to as
13 the “Commission”) may—

14 (A) make such amendments as the Commis-
15 sion deems necessary to harmonize the sentencing
16 guidelines and policy statements with this sec-
17 tion and the amendment made by this section;
18 and

19 (B) promulgate policy statements to assist
20 in the application of this section and that
21 amendment.

22 (2) *PROCEDURES.*—If the Commission deter-
23 mines it is necessary to do so in order that the
24 amendments made under paragraph (1) may take ef-
25 fect on the effective date of the amendment made by

1 *subsection (a), the Commission may promulgate the*
2 *amendments made under paragraph (1) in accord-*
3 *ance with the procedures set forth in section 21(a) of*
4 *the Sentencing Act of 1987, as though the authority*
5 *under that section had not expired.*

6 *(c) EFFECTIVE DATE AND APPLICATION.—The amend-*
7 *ment made by subsection (a) shall apply to all sentences*
8 *imposed on or after the 10th day beginning after the date*
9 *of the enactment of this Act.*

10 **SEC. 3. DIRECTION TO SENTENCING COMMISSION.**

11 *The United States Sentencing Commission shall pro-*
12 *mulgate sentencing guidelines or amend existing sentencing*
13 *guidelines with respect to cases where statutory minimum*
14 *sentences would apply but for section 3553(f) of title 18,*
15 *United States Code, to carry out the purposes of such sec-*
16 *tion, so that the lowest sentence in the guideline range is*
17 *not less than 2 years in those cases where a 5-year mini-*
18 *imum would otherwise apply.*

19 **SEC. 4. SPECIAL RULE.**

20 *For the purpose of section 3582(c)(2) of title 18, Unit-*
21 *ed States Code, with respect to a prisoner the court deter-*
22 *mines has demonstrated good behavior while in prison, the*
23 *changes in sentencing made as a result of this Act shall*
24 *be deemed to be changes in the sentencing ranges by the*

- 1 *Sentencing Commission pursuant to section 994(o) of title*
- 2 *28, United States Code.*