

In the House of Representatives, U. S.,

October 18, 1995.

Resolved, That the bill from the Senate (S. 1254) entitled “An Act to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity”, do pass with the following

AMENDMENT:

Strike all after the enacting clause, and insert:

1 ***SECTION 1. DISAPPROVAL OF AMENDMENTS RELATING TO***
2 ***LOWERING OF CRACK SENTENCES AND SEN-***
3 ***TENCES FOR MONEY LAUNDERING AND***
4 ***TRANSACTIONS IN PROPERTY DERIVED FROM***
5 ***UNLAWFUL ACTIVITY.***

6 *In accordance with section 994(p) of title 28, United*
7 *States Code, amendments numbered 5 and 18 (except to*
8 *the extent they amend section 2D2.1) of the “Amendments*
9 *to the Sentencing Guidelines, Policy Statements, and Offi-*
10 *cial Commentary”, submitted by the United States Sen-*
11 *tencing Commission to Congress on May 1, 1995, are here-*
12 *by disapproved and shall not take effect.*

1 **SEC. 2. REDUCTION OF SENTENCING DISPARITY.**

2 (a) *RECOMMENDATIONS.*—

3 (1) *IN GENERAL.*—*The United States Sentencing*
4 *Commission shall submit to Congress recommenda-*
5 *tions (and an explanation therefor), regarding*
6 *changes to the statutes and sentencing guidelines gov-*
7 *erning sentences for unlawful manufacturing, import-*
8 *ing, exporting, and trafficking of cocaine, and like of-*
9 *fenses, including unlawful possession, possession with*
10 *intent to commit any of the forgoing offenses, and at-*
11 *tempt and conspiracy to commit any of the forgoing*
12 *offenses. The recommendations shall reflect the follow-*
13 *ing considerations—*

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

18 (B) *high-level wholesale cocaine traffickers, or-*
19 *ganizers, and leaders, of criminal activities*
20 *should generally receive longer sentences than*
21 *low-level retail cocaine traffickers and those who*
22 *played a minor or minimal role in such crimi-*
23 *nal activity;*

24 (C) *if the Government establishes that a de-*
25 *fendant who traffics in powder cocaine has*
26 *knowledge that such cocaine will be converted*

1 *into crack cocaine prior to its distribution to in-*
2 *dividual users, the defendant should be treated at*
3 *sentencing as though the defendant had trafficked*
4 *in crack cocaine; and*

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

8 *(i) murders or causes serious bodily in-*
9 *jury to an individual;*

10 *(ii) uses a dangerous weapon;*

11 *(iii) uses or possesses a firearm;*

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

15 *(v) engages in a continuing criminal en-*
16 *terprise or commits other criminal offenses*
17 *in order to facilitate his drug trafficking ac-*
18 *tivities;*

19 *(vi) knows, or should know, that he is in-*
20 *volving an unusually vulnerable person;*

21 *(vii) restrains a victim;*

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

24 *(ix) obstructs justice;*

1 (x) has a significant prior criminal
2 record; or

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

6 (2) *RATIO.*—The recommendations described in the
7 preceding subsection shall propose revision of the drug
8 quantity ratio of crack cocaine to powder cocaine
9 under the relevant statutes and guidelines in a man-
10 ner consistent with the ratios set for other drugs and
11 consistent with the objectives set forth in section
12 3553(a) of title 28, United States Code.

13 (b) *STUDY.*—No later than May 1, 1996, the Depart-
14 ment of Justice shall submit to the Judiciary Committees
15 of the Senate and House of Representatives a report on the
16 charging and plea practices of Federal prosecutors with re-
17 spect to the offense of money laundering. Such study shall
18 include an account of the steps taken or to be taken by the
19 Justice Department to ensure consistency and appropriate-
20 ness in the use of the money laundering statute. The Sen-
21 tencing Commission shall submit to the Judiciary Com-

1 *mittees comments on the study prepared by the Depart-*
2 *ment of Justice.*

Attest:

Clerk.

104TH CONGRESS
1ST SESSION

S. 1254

AMENDMENT