

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1254

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## 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.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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**  
5 **FROM UNLAWFUL ACTIVITY.**

6       In accordance with section 994(p) of title 28, United  
7 States Code, amendments numbered 5 and 18 of the  
8 “Amendments to the Sentencing Guidelines, Policy State-  
9 ments, and Official Commentary”, submitted by the Unit-  
10 ed States Sentencing Commission to Congress on May 1,  
11 1995, are hereby disapproved and shall not take effect.

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

13       (a) RECOMMENDATIONS.—

14           (1) IN GENERAL.—The United States Sentenc-  
15 ing Commission shall submit to Congress rec-  
16 ommendations (and an explanation therefor), re-  
17 garding changes to the statutes and sentencing  
18 guidelines governing sentences for unlawful manu-  
19 facturing, importing, exporting, and trafficking of  
20 cocaine, and like offenses, including unlawful posses-  
21 sion, possession with intent to commit any of the  
22 forgoing offenses, and attempt and conspiracy to  
23 commit any of the forgoing offenses. The rec-  
24 ommendations shall reflect the following consider-  
25 ations—

1           (A) the sentence imposed for trafficking in  
2 a quantity of crack cocaine should generally ex-  
3 ceed the sentence imposed for trafficking in a  
4 like quantity of powder cocaine;

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

11           (C) if the Government establishes that a  
12 defendant who traffics in powder cocaine has  
13 knowledge that such cocaine will be converted  
14 into crack cocaine prior to its distribution to in-  
15 dividual users, the defendant should be treated  
16 at sentencing as though the defendant had traf-  
17 ficked in crack cocaine; and

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

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

23                   (ii) uses a dangerous weapon;

24                   (iii) uses or possesses a firearm;

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

4 (v) engages in a continuing criminal  
5 enterprise or commits other criminal of-  
6 fenses in order to facilitate his drug traf-  
7 ficking activities;

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

10 (vii) restrains a victim;

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

13 (ix) obstructs justice;

14 (x) has a significant prior criminal  
15 record; or

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

19 (2) RATIO.—The recommendations described in  
20 the preceding subsection shall propose revision of the  
21 drug quantity ratio of crack cocaine to powder co-  
22 caine under the relevant statutes and guidelines in  
23 a manner consistent with the ratios set for other  
24 drugs and consistent with the objectives set forth in  
25 section 3553(a) of title 28 United States Code.

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

Passed the Senate September 29 (legislative day,  
September 25), 1995.

Attest:

*Secretary.*

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