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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–176

UNITED STATES PAROLE COMMISSION EXTENSION AND SENTENCING COMMISSION AUTHORITY ACT OF 2005

JULY 19, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 3020]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3020) to extend the existence of the Parole Commission, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 3020 is to extend the authority of the United States Parole Commission, which is scheduled to expire on October 31, 2005, for an additional 3 years; and to provide the United States Sentencing Commission with authority to adopt emergency guideline changes for obstruction of justice and anabolic steroids.

BACKGROUND AND NEED FOR THE LEGISLATION

Congress initially created the United States Parole Commission in 1976; however, with the creation of the Federal sentencing guidelines, the Parole Commission was slated to expire 5 years after the new system was implemented. Since enactment of the Sentencing Reform Act of 1984, Congress has extended the United States Parole Commission on several occasions, and in 1997, assigned the Parole Commission with the additional responsibility for supervision of criminal offenders convicted of District of Columbia Code violations. In the absence of an extension, offenders, who are subject to parole review, will be able to make claims of *ex post facto* violations for failure to provide parole review.

Section 21(a) of the "Sentencing Act of 1987" (hereinafter "the Act"), Pub. L. No. 100–182, which can be found in the Notes to 28 U.S.C. Section 994 ("Emergency Amendment Promulgation Authority") provided the Commission authority to promulgate "temporary amendments" outside its normal amendment cycle upon affirmative vote of at least four commissioners related to an invalidated sentencing guideline, the creation of a new offense or amendment of an existing guideline, or "any other reason relating to the application of a previously established guideline, and determined by the United States Sentencing Commission to be urgent and compelling." The Act's authority expired completely in 1989; however, it is revived in those cases where there is an "urgent and compelling" need to address a sentencing issue of congressional or Commission interest.

The Sentencing Commission requires authority to implement the directive at section 6703 of Pub. L. No. 108–458 regarding increasing penalties for obstruction of justice offenses involving international or domestic terrorism. The Act directed the Commission to promulgate amendments to the guidelines within 30 days of enactment, however, it did not exempt the Commission from its normal amendment cycle procedures. The Commission has requested 60 days to promulgate an amendment compliant with this directive.

The "Anabolic Steroid Control Act of 2004," Pub. L. No. 108–358, directed the Commission to review and, if necessary, amend the Federal sentencing guidelines to reflect the seriousness of steroids offenses. The Commission has begun its review of steroids policy and sentencing trends and requested authority to do so earlier than its normal amendment cycle.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 3020, the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005."

COMMITTEE CONSIDERATION

On June 23, 2005, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered favorably reported the bill H.R. 3020, by a voice vote, a quorum being present. On June 29, 2005, the Committee met in open session and ordered favorably reported the bill H.R. 3020 without an amendment by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R. 3020.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3020, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2005.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3020, the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 3020—United States Parole Commission Extension and Sentencing Commission Authority Act of 2005.

SUMMARY

H.R. 3020 would extend the authorization for the United States Parole Commission for three years (under current law, the commission's authorization will expire on October 31, 2005). In addition, this legislation would grant the United States Sentencing Commission the authority to review and modify penalties for certain crimi-

nal acts involving terrorism and for abuse of anabolic steroids. CBO estimates that implementing the bill would cost about $33 million over the 2006–2010 period, subject to appropriation of the necessary amounts. Enacting H.R. 3020 could affect direct spending and revenues to the extent that the U.S. Sentencing Commission would increase penalties for certain offenses as authorized by the bill. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases likely to be affected.

H.R. 3020 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3020 is shown in the following table. For this estimate, CBO assumes that the legislation will be enacted by the end of fiscal year 2005, that the necessary amounts will be appropriated by the start of each fiscal year, and that outlays will follow the historical rate of spending for the U.S. Parole Commission. The commission received an appropriation of $10 million for 2005, and CBO estimates that this amount, as adjusted for anticipated inflation, would be needed to continue operations over the 2006–2008 period. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending for U.S. Parole Commission Under Current Law						
Budget Authority [1]	10	0	0	0	0	0
Estimated Outlays	10	1	0	0	0	0
Proposed Changes						
Estimated Authorization Level	0	10	11	11	0	0
Estimated Outlays	0	9	11	11	2	0
Spending for U.S. Parole Commission Under H.R. 3020						
Estimated Authorization Level	10	10	11	11	0	0
Estimated Outlays	10	10	11	11	2	0

1. The 2005 level is the amount appropriated for that year for the U.S. Parole Commission

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3020 contains no intergovernmental or private-sector mandates as defined by UMRA and would not affect the budgets of State, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2960)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 3020 will extend the authority of the United States Parole Commission, which is scheduled to expire on October 31, 2005, for an additional 3 years; and to provide the United States Sentencing Commission with authority to adopt emergency guideline changes for obstruction of justice and anabolic steroids.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. This section cites the short title as the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005."

Sec. 2. Extension of the Existence of the Parole Commission. This section extends the existence of the United States Parole Commission for three additional years.

Sec. 3. Provision of Emergency Amendment Authority for Sentencing Commission. This section provides emergency guideline authority to the United States Sentencing Commission: (1) not later than 60 days after the date fo enactment of this Act, to amend the Federal sentencing guidelines, commentary and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. No. 108–458); and (2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Pub. L. No. 108–358).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, the Committee notes that H.R. 3020 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JUNE 29, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda is the adoption of H.R. 3020, the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005."

[The bill, H.R. 3020, follows:]

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109TH CONGRESS
1ST SESSION

H. R. 3020

To extend the existence of the Parole Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2005

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

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A BILL

To extend the existence of the Parole Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Parole Commission Extension and Sentencing Commission Authority Act of 2005''.

SEC. 2. EXTENSION OF EXISTENCE OF THE PAROLE COMMISSION.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the

United States Parole Commission, each reference in such section to ''eighteen years'' or ''eighteen-year period'' shall be deemed a reference to ''21 years'' or ''21-year period'', respectively.

SEC. 3. PROVISION OF EMERGENCY AMENDMENT AUTHORITY FOR SENTENCING COMMISSION.

In accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired, the United States Sentencing Commission shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); and

(2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Public Law 108–358).

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Chairman SENSENBRENNER. The Chair recognizes the gentleman from North Carolina, Mr. Coble, the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security for a motion.

Mr. COBLE. Mr. Chairman, the Subcommittee on Crime, Terrorism, and Homeland Security reports favorably the bill H.R. 3020 and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bill will be considered as read and open for amendment at any point.

The Chair recognizes the gentleman from North Carolina, Mr. Coble, to strike the last word.

Mr. COBLE. I thank the Chairman.

Mr. Chairman and colleagues, H.R. 3020 extends the authority of the United States Parole Commission, which is scheduled to expire on October 31 of this year, for an additional 3 years and provides the United States Sentencing Commission with authority to adopt emergency guideline changes for obstruction of justice and anabolic steroids.

The United States Parole Commission is scheduled to expire, as I said, on October 31, 2005. The Parole Commission, as you all know, is responsible for handling parole cases for offenders who were sentenced prior to the enactment of the Sentencing Reform Act of 1984 and the adoption of the Federal Sentencing Guidelines. In addition, in 1997 it was assigned responsibility for supervision of offenders in the District of Columbia. The extension is needed in order for the offenders to continue to receive parole review of any sentences and for parole supervision.

Finally, the provision relating to the Sentencing Commission's authority is needed to ensure that the Commission can adopt emergency guideline as directed by Congress in order to implement one, the directive in section 6703 of Public Law Number 108–458, increasing penalties for obstruction of justice offenses involving international or domestic terrorism; and two, the directive in the Anabolic Steroid Control Act of 2004, Public Law 108–358, to amend the Federal Sentencing Guidelines to reflect the seriousness of steroid offenses.

Mr. Chairman, I urge my colleagues to support this legislation and yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Chairman, H.R. 3020 will reauthorize the United States Parole Commission for an additional 3 years. It will also give the U.S. Sentencing Commission emergency authority to promulgate sentencing guidelines which will implement sentencing policies reflective of recent changes in Federal laws related to sentencing in the areas of obstruction of justice and anabolic steroids.

Both provisions are necessary to continue to properly implement Federal law and therefore I urge my colleagues to support the bill. I yield back the balance of my time.

Chairman SENSENBRENNER. Without objection, all Members may include opening statements in the record at this point.

Are there any amendments? Are there any amendments?

If there are no amendments, a reporting quorum is present.

The question occurs on the motion to report the bill H.R. 3020 favorably as amended. All those in favor will say aye. Opposed no.

The ayes appear to have it. The ayes have it. The motion to report favorably is adopted.

Without objection, the staff is directed to make any technical and conforming changes and all Members will be given 2 days, as provided by the House rules, in which to submit additional dissenting, supplemental or minority views.

[Intervening business.]

Chairman SENSENBRENNER. Now I believe we have concluded the agenda. Without objection, the Committee stands adjourned.

[Whereupon, at 10:24 p.m., the Committee was adjourned.]

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