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AMENDMENTS

1994—Pub. L. 103-322, title XXVIII, §280005(c)(1), Sept. 13, 1994, 108 Stat. 2097, substituted “Chair” for “Chairman” in item 993.

§ 991. United States Sentencing Commission; establishment and purposes

(a) There is established as an independent commission in the judicial branch of the United States a United States Sentencing Commission which shall consist of seven voting members and one nonvoting member. The President, after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process, shall appoint the voting members of the Commission, by and with the advice and consent of the Senate, one of whom shall be appointed, by and with the advice and consent of the Senate, as the Chair and three of whom shall be designated by the President as Vice Chairs. At least 3 of the members shall be Federal judges selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States. Not more than four of the members of the Commission shall be members of the same political party, and of the three Vice Chairs, no more than two shall be members of the same political party. The Attorney General, or the Attorney General’s designee, shall be an ex officio, nonvoting member of the Commission. The Chair, Vice Chairs, and members of the Commission shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

(b) The purposes of the United States Sentencing Commission are to—

(1) establish sentencing policies and practices for the Federal criminal justice system that—

(A) assure the meeting of the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(B) provide certainty and fairness in meeting the purposes of sentencing, avoiding unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; and

(C) reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and

(2) develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2017; amended Pub. L. 99-22, §1(1), Apr. 15, 1985, 99 Stat. 46; Pub. L. 103-322, title XXVIII, §280005(a), (c)(1), (2), Sept. 13, 1994, 108 Stat. 2096, 2097; Pub. L. 104-294, title VI, §604(b)(11), Oct. 11, 1996, 110 Stat. 3507; Pub. L. 108-21, title IV, §401(n)(1), Apr. 30, 2003, 117 Stat. 675; Pub. L. 110-406, §16, Oct. 13, 2008, 122 Stat. 4295.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-406 substituted “At least” for “Not more than” in third sentence.

2003—Subsec. (a). Pub. L. 108-21 substituted “Not more than 3” for “At least three” in third sentence.

1996—Subsec. (a). Pub. L. 104-294 made technical correction to directory language of Pub. L. 103-322. See 1994 Amendment note below.

1994—Subsec. (a). Pub. L. 103-322, §280005(c)(1), (2), in second sentence, substituted “Chair” for “Chairman” and in fifth sentence, substituted “the Attorney General’s designee” for “his designee”.

Pub. L. 103-322, §280005(a), as amended by Pub. L. 104-294, in second sentence, substituted “and three of whom shall be designated by the President as Vice Chairs.” for the period at end, in fourth sentence, substituted “, and of the three Vice Chairs, no more than two shall be members of the same political party.” for the period at end, and in last sentence, substituted “Chair, Vice Chairs.” for “Chairman”.

1985—Subsec. (a). Pub. L. 99-22 struck out “in regular active service” after “Federal judges”.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-21, title IV, §401(n)(2), Apr. 30, 2003, 117 Stat. 676, provided that: “The amendment made under paragraph (1) [amending this section] shall not apply to any person who is serving, or who has been nominated to serve, as a member of the Sentencing Commission on the date of enactment of this Act [Apr. 30, 2003].”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Chapter effective Oct. 12, 1984, see section 235(a)(1)(B)(i) of Pub. L. 98-473, set out as a note under section 3551 of Title 18, Crimes and Criminal Procedure.

COMPOSITION OF MEMBERS OF COMMISSION DURING FIRST FIVE-YEAR PERIOD

For provisions directing that, notwithstanding the provisions of this section, during the five-year period following Oct. 12, 1984, the United States Sentencing Commission shall consist of nine members, including two ex officio, nonvoting members, see section 235(b)(5) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 992. Terms of office; compensation

(a) The voting members of the United States Sentencing Commission shall be appointed for six-year terms, except that the initial terms of the first members of the Commission shall be staggered so that—

(1) two members, including the Chair, serve terms of six years;

(2) three members serve terms of four years; and

(3) two members serve terms of two years.

(b)(1) Subject to paragraph (2)—