

130.23 PROVIDING FOR THE CONSIDERATION OF H.R. 2259

Ms. PRYCE, by direction of the Committee on Rules, called up the following resolution (H. Res. 237):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2259) to disapprove certain sentencing guideline amendments. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of S. 1254, as passed by the Senate, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. The bill, as amended, shall be considered as read. No further amendment shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Conyers of Michigan or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2259, it shall be in order to take from the Speaker's table the bill S. 1254 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2259 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1254 and request a conference with the Senate thereon.

When said resolution was considered. After debate,

On motion of Ms. PRYCE, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

130.24 SENTENCING GUIDELINE AMENDMENTS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 237 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the bill

(H.R. 2259) to disapprove certain sentencing guideline amendments.

The SPEAKER pro tempore, Mr. LAHOOD, designated Mr. BEREUTER as Chairman of the Committee of the Whole; and after some time spent therein,

130.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

SECTION 1. DISAPPROVAL OF AMENDMENTS RELATING TO LOWERING OF CRACK SENTENCES AND SENTENCES FOR MONEY LAUNDERING AND TRANSACTIONS IN PROPERTY DERIVED FROM UNLAWFUL ACTIVITY.

In accordance with section 994(p) of title 28, United States Code, amendments numbered 5 and 18 (except to the extent they amend section 2D2.1) of the "Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary", submitted by the United States Sentencing Commission to Congress on May 1, 1995, are hereby disapproved and shall not take effect.

SEC. 2. REDUCTION OF SENTENCING DISPARITY.

(a) RECOMMENDATIONS.— (1) IN GENERAL.—The United States Sentencing Commission shall submit to Congress recommendations (and an explanation therefor), regarding changes to the statutes and sentencing guidelines governing sentences for unlawful manufacturing, importing, exporting, and trafficking of cocaine, and like offenses, including unlawful possession, possession with intent to commit any of the forgoing offenses, and attempt and conspiracy to commit any of the forgoing offenses. The recommendations shall reflect the following considerations—

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

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

(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

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

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

(ii) uses a dangerous weapon;

(iii) uses or possesses a firearm;

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

(v) engages in a continuing criminal enterprise or commits other criminal offenses in order to facilitate his drug trafficking activities;

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

(vii) restrains a victim;

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

(ix) obstructs justice;

(x) has a significant prior criminal record; or

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

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

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

It was decided in the Yeas ..... 98 negative ..... Nays ..... 316

130.26 [Roll No. 723]

AYES—98

Table listing names of members of the House of Representatives under the heading 'AYES—98'. Names include Abercrombie, Andrews, Baker (CA), Becerra, Beilenson, Berman, Bevill, Bishop, Bonior, Browder, Brown (FL), Clay, Clayton, Clyburn, Collins (IL), Collins (MI), Condit, Conyers, Coyne, DeFazio, Dellums, Dingell, Dixon, Engel, Ensign, Evans, Farr, Fattah, Filner, Flake, Foglietta, Ford, Frank (MA), Gejdenson, Gibbons, Hall (OH), Hastings (FL), Hilliard, Hinchey, Horn, Jackson-Lee, Jefferson, Johnson, E. B., Kennedy (MA), LaFalce, Lantos, Lewis (GA), Lofgren, Martinez, Matsui, McCarthy, McDade, McDermott, McKinney, Meek, Mfume, Miller (CA), Mink, Moakley, Moran, Morella, Murtha, Nadler, Olver, Orton, Owens, Parker, Pastor, Payne (NJ), Pelosi, Peterson (FL), Roybal-Allard, Rush, Sabo, Sanders, Sawyer, Schroeder, Scott, Serrano, Siskisky, Skaggs, Slaughter, Stokes, Thompson, Thurman, Torres, Towns, Traficant, Velazquez, Vento, Waters, Watt (NC), Watts (OK), Waxman, Williams, Woolsey, Wynn, Yates.

NOES—316

Table listing names of members of the House of Representatives under the heading 'NOES—316'. Names include Ackerman, Allard, Archer, Armev, Bachus, Baesler, Baker (LA), Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bentsen, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Borski, Brewster, Brown (OH), Brownback, Bryant (TN), Bryant (TX), Bunn, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cardin, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clement, Clinger, Coble, Coburn, Coleman, Collins (GA), Combest, Cooley, Costello, Cox, Cramer, Crane, Crapo, Cremeans, Cubin, Cunningham, Danner, Davis, de la Garza, Deal, DeLauro, DeLay, Deutsch, Diaz-Balart, Dickey, Dicks, Doggett, Dooley, Doolittle, Dornan, Doyle, Dreier, Duncan, Dunn, Durbin, Edwards, Ehlers, Ehrlich, Emerson.

English	Kingston	Quinn
Eshoo	Kleczka	Radanovich
Everett	Kolbe	Rahall
Ewing	Klug	Ramstad
Fawell	Knollenberg	Reed
Fazio	Kolbe	Regula
Fields (TX)	LaHood	Richardson
Flanagan	Largent	Riggs
Foley	Latham	Rivers
Forbes	LaTourette	Roberts
Fowler	Laughlin	Roemer
Fox	Lazio	Rogers
Franks (CT)	Leach	Rohrabacher
Franks (NJ)	Levin	Ros-Lehtinen
Frelinghuysen	Lewis (CA)	Rose
Frisa	Lewis (KY)	Roth
Frost	Lightfoot	Roukema
Funderburk	Lincoln	Royce
Galleghy	Linder	Salmon
Ganske	Lipinski	Sanford
Gekas	Livingston	Saxton
Gephardt	LoBiondo	Scarborough
Geren	Longley	Schaefer
Gilchrist	Lowe	Schiff
Gillmor	Lucas	Schumer
Gilman	Luther	Seastrand
Gonzalez	Maloney	Sensenbrenner
Goodlatte	Manton	Shadegg
Goodling	Manzullo	Shaw
Gordon	Markey	Shays
Goss	Martini	Shuster
Graham	Mascara	Skeen
Green	McCollum	Skelton
Greenwood	McCrery	Smith (MI)
Gunderson	McHale	Smith (NJ)
Gutierrez	McHugh	Smith (TX)
Gutknecht	McInnis	Smith (WA)
Hall (TX)	McIntosh	Solomon
Hamilton	McKeon	Souder
Hancock	McNulty	Spratt
Hansen	Meehan	Stearns
Hastert	Menendez	Stenholm
Hastings (WA)	Metcalf	Stockman
Hayes	Meyers	Stump
Hayworth	Mica	Stupak
Hefley	Miller (FL)	Talent
Hefner	Minge	Tanner
Heineman	Molinari	Tate
Heger	Mollohan	Tauzin
Hilleary	Montgomery	Taylor (MS)
Hobson	Moorhead	Taylor (NC)
Hoekstra	Myers	Thomas
Hoke	Myrick	Thornberry
Holden	Neal	Thornton
Hostettler	Nethercutt	Tiahrt
Houghton	Neumann	Torkildsen
Hoyer	Ney	Torricelli
Hunter	Norwood	Upton
Hutchinson	Nussle	Visclosky
Hyde	Oberstar	Vucanovich
Inglis	Obey	Waldholtz
Istook	Ortiz	Walker
Jacobs	Oxley	Walsh
Johnson (CT)	Packard	Wamp
Johnson (SD)	Pallone	Ward
Johnson, Sam	Paxon	Weldon (PA)
Johnston	Payne (VA)	Weller
Jones	Peterson (MN)	Wicker
Kanjorski	Petri	Wise
Kaptur	Pickett	Wolf
Kasich	Pombo	Wyden
Kelly	Pomeroy	Young (AK)
Kennedy (RI)	Porter	Young (FL)
Kennelly	Portman	Zeliff
Kildee	Poshard	Zimmer
Kim	Pryce	
King	Quillen	

NOT VOTING—18

Bateman	Harman	Tucker
Boucher	Rangel	Volkmer
Brown (CA)	Spence	Weldon (FL)
Chapman	Stark	White
Fields (LA)	Studds	Whitfield
Furse	Tejeda	Wilson

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. WALKER, assumed the Chair.

When Mr. BEREUTER, Chairman, pursuant to House Resolution 237, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. DISAPPROVAL OF AMENDMENTS RELATING TO LOWERING OF CRACK SENTENCES AND SENTENCES FOR MONEY LAUNDERING AND TRANSACTIONS IN PROPERTY DERIVED FROM UNLAWFUL ACTIVITY.

In accordance with section 994(p) of title 28, United States Code, Amendments number 5 and 18 of the "Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary", submitted by the United States Sentencing Commission to Congress on May 1, 1995, is hereby disapproved and shall not take effect.

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(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

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(iii) uses or possesses a firearm;

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

(v) engages in a continuing criminal enterprise or commits other criminal offenses in order to facilitate his drug trafficking activities;

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

(vii) restrains a victim;

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

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Judiciary Committees of the Senate and House of Representatives a report on the charging and plea practices of Federal prosecutors with respect to the offense of money laundering. Such study shall include an account of the steps taken or to be taken by the Justice Department to ensure consistency and appropriateness in the use of the money laundering statute. The Sentencing Commission shall submit to the Judiciary Committees comments on the study prepared by the Department of Justice.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WATT of North Carolina moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

In Section 2(a)(1), strike "The United States" where it appears immediately after "IN GENERAL..." and insert "Not later than March 1, 1996, the United States".

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays had it.

Mr. WATT of North Carolina demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 149 negative ..... Nays ..... 266

¶130.27

[Roll No. 724]

AYES—149

Abercrombie	Farr	Matsui
Andrews	Fattah	McCarthy
Bachus	Fazio	McDade
Baesler	Filner	McDermott
Baker (CA)	Flake	McKinney
Baldacci	Foglietta	Meehan
Barrett (WI)	Ford	Meek
Becerra	Frank (MA)	Mfume
Beilenson	Frost	Miller (CA)
Bentsen	Gejdenson	Minge
Bevill	Gephardt	Mink
Bishop	Gibbons	Moakley
Bonior	Gonzalez	Moran
Browder	Green	Morella
Brown (CA)	Gutierrez	Nadler
Brown (FL)	Hall (OH)	Neal
Brown (OH)	Hastings (FL)	Oberstar
Bryant (TX)	Hefner	Obey
Cardin	Hilliard	Olver
Clay	Hinchee	Ortiz
Clayton	Horn	Orton
Clement	Houghton	Owens
Clyburn	Hoyer	Pastor
Coleman	Jackson-Lee	Payne (NJ)
Collins (IL)	Jacobs	Payne (VA)
Collins (MI)	Jefferson	Pelosi
Conyers	Johnson (SD)	Peterson (FL)
Coyne	Johnson, E.B.	Pickett
de la Garza	Johnston	Pomeroy
DeFazio	Kennedy (MA)	Richardson
Dellums	Kennedy (RI)	Rivers
Dicks	Kennelly	Rose
Dingell	Kildee	Roybal-Allard
Dixon	Kleczka	Rush
Doggett	Lantos	Sabo
Dooley	Levin	Sanders
Doolittle	Lewis (GA)	Sawyer
Duncan	Lincoln	Schroeder
Ehlers	Lofgren	Scott
Engel	Lowey	Serrano
Ensign	Maloney	Sisisky
Eshoo	Markey	Skaggs
Evans	Martinez	Slaughter