Amending the U.S. Sentencing Guidelines

In 1984, Congress enacted the Sentencing Reform Act (SRA), P.L. 98-473. The SRA established the U.S. Sentencing Commission and directed this new agency to promulgate the U.S. Sentencing Guidelines. These guidelines serve as the starting point for every federal criminal sentence imposed across the country. In the SRA, Congress instructed the Commission to "periodically . . . review and revise" the guidelines in light of additional data, cases, and congressional directives. Any such revisions must follow a statutorily prescribed amendments process.

The Amendments Process

The SRA specifies **two statutory dates** in the amendments process. The Commission has developed an internal schedule around these two dates.

Publish proposed priorities. The Commission publishes proposed priorities for agency analysis in the Federal Register and requests public comments on these priorities. JUNE Review and revise. The Commission reviews and considers public **JULY** comments in identifying final priorities. AUG Publish final priorities. The Commission publishes a list of final **SEPT** priorities in the Federal Register. OCT **Research possible amendments.** The Commission conducts research, NOV confers with stakeholders, and may hold hearings to receive additional input. DEC **Publish proposed amendments.** The Commission publishes proposed amendments in the Federal Register and requests public comments. JAN **Review and revise.** The Commission reviews public comments, performs **FFR** additional research, and may hold hearings to receive additional input. MAR Vote on final proposed amendments. The Commissioners vote on APRII any final proposed amendments. MAY **Submit amendments to Congress.** (Statutorily required) JUNE If the Commission approves any proposed amendments that year, the SRA requires the Commission to submit such amendments to Congress by May 1. JULY **AUG** Congressional review period. The SRA provides Congress with a review period of 180 days to **SEPT** modify or disapprove the proposed amendments. OCT The amendments take effect on November 1, unless NOV

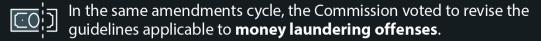
Congressional Rejection of Proposed Amendments

Congress modifies or rejects them. (Statutorily required)

From 1987 to 2024, the Commission has proposed over 800 amendments to the U.S. Sentencing Guidelines. Of these, Congress has rejected two proposed amendments, both proposed during the 1995 amendments cycle.



In 1995, the Commission voted 4-3 to adopt a 1:1 ratio of the quantities of powder and crack cocaine needed to trigger certain mandatory minimum penalties.



A bill rejecting both of these proposed amendments passed in the Senate, and then in the House, and was signed into law by President Bill Clinton on October 30, 1995, as P.L. 104-38.

Sources: Based on 28 U.S.C. § 994(o)-(p) and CRS Report R41696, How the Federal Sentencing Guidelines Work: An Overview.



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