

Public Law 104-232
104th Congress

An Act

To provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

Oct. 2, 1996
[S. 1507]

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

Parole
Commission
Phaseout Act of
1996.
18 USC 4201
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parole Commission Phaseout Act of 1996".

18 USC 4201
note.

SEC. 2. EXTENSION OF PAROLE COMMISSION.

(a) **IN GENERAL.**—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to "ten years" or "ten-year period" shall be deemed to be a reference to "fifteen years" or "fifteen-year period", respectively.

(b) **POWERS AND DUTIES OF PAROLE COMMISSION.**—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

(c) **REDUCTION IN SIZE.**—

Effective dates.

(1) Effective December 31, 1999, the total number of Commissioners of the United States Parole Commission shall not be greater than 2. To the extent necessary to achieve this reduction, the Commissioner or Commissioners least senior in service shall cease to hold office.

(2) Effective December 31, 2001, the United States Parole Commission shall consist only of that Commissioner who is the Chairman of the Commission.

(3) Effective when the Commission consists of only one Commissioner—

(A) that Commissioner (or in the Commissioner's absence, the Attorney General) may delegate to one or more hearing examiners the powers set forth in paragraphs (1) through (4) of section 4203(b) of title 18, United States Code; and

(B) decisions made pursuant to such delegation shall take effect when made, but shall be subject to review and modification by the Commissioner.

18 USC 4201
note.

SEC. 3. REPORTS BY THE ATTORNEY GENERAL.

(a) **IN GENERAL.**—Beginning in the year 1998, the Attorney General shall report to the Congress not later than May 1 of each year through the year 2002 on the status of the United States Parole Commission. Unless the Attorney General, in such report, certifies that the continuation of the Commission is the most effective and cost-efficient manner for carrying out the Commission's functions, the Attorney General shall include in such report an alternative plan for a transfer of the Commission's functions to another entity.

Effective dates.

(b) **TRANSFER WITHIN THE DEPARTMENT OF JUSTICE.**—

(1) **EFFECT OF PLAN.**—If the Attorney General includes such a plan in the report, and that plan provides for the transfer of the Commission's functions and powers to another entity within the Department of Justice, such plan shall take effect according to its terms on November 1 of that year in which the report is made, unless Congress by law provides otherwise. In the event such plan takes effect, all laws pertaining to the authority and jurisdiction of the Commission with respect to individual offenders shall remain in effect notwithstanding the expiration of the period specified in section 2 of this Act.

18 USC 3551
note.

(2) **CONDITIONAL REPEAL.**—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.

18 USC 3551
note.

SEC. 4. REPEAL.

Section 235(b)(2) of the Sentencing Reform Act of 1984 (98 Stat. 2032) is repealed.

Approved October 2, 1996.

LEGISLATIVE HISTORY—S. 1507:

SENATE REPORTS: No. 104-789 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 141 (1995): Dec. 22, considered and passed Senate.

Vol. 142 (1996): Sept. 17, considered and passed House, amended.

Sept. 20, Senate concurred in House amendment.