

commences after the date on which the member's term expired.

(c) The Chair and Vice Chairs of the Commission shall hold full-time positions and shall be compensated during their terms of office at the annual rate at which judges of the United States courts of appeals are compensated. The voting members of the Commission, other than the Chair and Vice Chairs, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect pursuant to section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984, and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chair and Vice Chairs,¹ shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated. A Federal judge may serve as a member of the Commission without resigning the judge's appointment as a Federal judge.

(d) Sections 44(c) and 134(b) of this title (relating to the residence of judges) do not apply to any judge holding a full-time position on the Commission under subsection (c) of this section.

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2018; amended Pub. L. 99-646, §4, 6(a), Nov. 10, 1986, 100 Stat. 3592; Pub. L. 102-349, §1, Aug. 26, 1992, 106 Stat. 933; Pub. L. 103-322, title XXVIII, §280005(b), (c)(1), (3), Sept. 13, 1994, 108 Stat. 2096, 2097.)

Editorial Notes

REFERENCES IN TEXT

Section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984, referred to in subsec. (c), is section 235(a)(1)(B)(ii) of Pub. L. 98-473, which is set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322, §280005(c)(1), substituted “Chair” for “Chairman”.

Subsec. (c). Pub. L. 103-322, §280005(b), (c)(3), amended first sentence generally, substituting “The Chair and Vice Chairs of the Commission shall hold full-time positions and shall be compensated during their terms” for “The Chairman of the Commission shall hold a full-time position and shall be compensated during the term”, in second sentence, substituted “Chair and Vice Chairs” for “Chairman”, in third sentence, substituted “Chair and Vice Chairs,” for “Chairman”, and in last sentence, substituted “the judge’s appointment” for “his appointment”.

1992—Subsec. (b). Pub. L. 102-349 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “No voting member may serve more than two full terms. A voting member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.”

1986—Subsec. (c). Pub. L. 99-646, §4, substituted “section 235(a)(1)(B)(ii) of the Sentencing Reform Act of 1984” for “section 225(a)(1)(B)(ii) of the Sentencing Reform Act of 1983”.

Subsec. (d). Pub. L. 99-646, §6(a), added subsec. (d).

¹ So in original.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

COMMENCEMENT OF TERMS OF FIRST MEMBERS OF COMMISSION

For provisions directing that, for purposes of subsec. (a) of this section, the terms of the first members of the United States Sentencing Commission shall not begin to run until the sentencing guidelines go into effect pursuant to section 235(a)(1)(B)(ii) of Pub. L. 98-473, see section 235(a)(2) of Pub. L. 98-473, both of which are set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 993. Powers and duties of Chair

The Chair shall—

(a) call and preside at meetings of the Commission, which shall be held for at least two weeks in each quarter after the members of the Commission hold part-time positions; and

(b) direct—

(1) the preparation of requests for appropriations for the Commission; and

(2) the use of funds made available to the Commission.

(Added Pub. L. 98-473, title II, §217(a), Oct. 12, 1984, 98 Stat. 2019; amended Pub. L. 99-22, §1(2), Apr. 15, 1985, 99 Stat. 46; Pub. L. 99-646, §5, Nov. 10, 1986, 100 Stat. 3592; Pub. L. 103-322, title XXVIII, §280005(c)(1), Sept. 13, 1994, 108 Stat. 2097.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-322 substituted “Chair” for “Chairman” in section catchline and introductory provisions.

1986—Subsec. (b)(2). Pub. L. 99-646 struck out provision that, before appointment of first Chairman, Administrative Office of the United States Courts may make requests for appropriations for Commission.

1985—Subsec. (b)(2). Pub. L. 99-22 inserted provision authorizing the Administrative Office of the United States Courts to make requests for appropriations for the Commission before the appointment of the first Chairman of the Commission.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 994. Duties of the Commission

(a) The Commission, by affirmative vote of at least four members of the Commission, and pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute shall promulgate and distribute to all courts of the United States and to the United States Probation System—

(1) guidelines, as described in this section, for use of a sentencing court in determining the sentence to be imposed in a criminal case, including—

(A) a determination whether to impose a sentence to probation, a fine, or a term of imprisonment;