

American Petroleum Institute Association of Oil Pipe Lines

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The Honorable Orrin Hatch
Chairman
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

The Honorable F. James Sensenbrenner, Jr.
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Conference Chairmen:

The undersigned organizations are urging the conferees on the Amber Alert Legislation (S.151) to oppose a House provision that would create an extraordinarily hostile environment for business, particularly in the energy, transportation, and manufacturing sectors of our economy.

The stated purpose of the Feeney amendment is laudable as it aims at limiting leniency in child pornography cases. But its applicability exceeds the scope of the Amber Alert legislation, and would apply to all federal crimes, regardless of their nature or seriousness.

The amendment in effect would strip judges in all federal cases of the long-standing discretion to exercise flexibility in applying the U.S. Sentencing Guidelines penalty range by taking into account mitigating factors. It would, however, preserve the ability to increase sentences for aggravating factors.

The Amendment substantially reduces what little judicial discretion is left in federal sentencing, effectively establishing mandatory minimum sentences for all federal crimes, and is tantamount to ensuring that individuals convicted of any federal crime, regardless of its nature or seriousness, will face actual and significant jail time.

This amendment guts the carefully crafted system created by the Sentencing Reform Act of 1984 and fleshed out by the United States Supreme Court in *United States v. Koon*. The amendment displays complete disregard for the role of the federal judiciary by placing complete sentencing discretion solely in the hands of federal prosecutors.

Again, we urge you to oppose the Feeney amendment. Thank you for your consideration and your leadership on this important issue.

Sincerely,



G. William Frick
General Counsel
American Petroleum Institute



Michele Joy
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Association of Oil Pipe Lines

Cc: Senator Lindsey Graham
Senator Jeff Sessions
Senator Charles Grassley
Senator Patrick Leahy
Senator Edward Kennedy
Senator Joe Biden
Senator Howard Coble
Congressman Lamar Smith
Congressman Mark Green
Congresswoman Melissa Hart
Congressman John Conyers
Congressman Martin Frost
Congressman Bobby Scott