

UNITED STATES SENTENCING COMMISSION

+ + + + +

PUBLIC MEETING

+ + + + +

FRIDAY
DECEMBER 9, 2016

+ + + + +

The Sentencing Commission met in Suite 2500 of the Thurgood Marshall Building, One Columbus Circle N.E., Washington, DC, at 11:30 a.m., the Honorable Patty B. Saris, Chair, presiding.

PRESENT:

PATTY B. SARIS, Chair
CHARLES B. BREYER, Vice Chair
RACHEL E. BARKOW, Commissioner
DABNEY L. FRIEDRICH, Commissioner
WILLIAM H. PRYOR, JR., Commissioner
MICHELLE MORALES, Ex-officio Commissioner

ALSO PRESENT:

KATHLEEN GRILLI, General Counsel
KENNETH COHEN, Staff Director

1 P-R-O-C-E-E-D-I-N-G-S

2 11:30 a.m.

3 CHAIR SARIS: It's time to begin the
4 public meeting. Thank you.

5 Thank you for attending this public
6 meeting of the United States Sentencing
7 Commission. This is the Commission's final
8 meeting in 2016. The Commission will end the
9 year with a number of transitions and vacancies
10 as it marks the final meeting of my six-year term
11 as Chair of the Commission which expires when the
12 Congress adjourns. So, sadly, this will be my
13 last opportunity to address you as
14 Chair of the Commission.

15 Typically my remarks to you focus on
16 our recent activities and our plans for the
17 immediate future. At the end of the meeting I
18 will also look back to the important, exciting
19 period in the Commission's history.

20 But before I do that, I would like to
21 introduce the other members of the Commission.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'll start with Judge Charles R. Breyer. He is
2 a senior district judge for the Northern District
3 of California and has served as United States
4 District Judge since 1998. He joined the
5 Commission in 2013 and serves as a Vice Chair.

6 Now I usually have this technical --
7 sort of, I give credentials. But I'd also like
8 to add this. Judge Breyer has been a friend for
9 a long time. He is one of the best-known and
10 beloved judges in the federal judiciary. His
11 insights for many years as a trial judge have
12 been invaluable to the Commission. Hopefully he
13 will have the opportunity to serve a second term
14 as his first term is also ending at the end of
15 the congressional session.

16 Next we have Dabney Friedrich who has
17 served on the Commission, really, more than a
18 decade since 2006. Immediately prior to her
19 appointment to the Commission, Commissioner
20 Friedrich served as associate counsel at the
21 White House. She previously served as counsel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to Chairman Orrin Hatch of the United States
2 Senate Judiciary Committee, and as an assistant
3 U.S. attorney for the Southern District of
4 California and for the Eastern District of
5 Virginia.

6 This also marks the final meeting for
7 Commissioner Friedrich. I first met her when we
8 were bookends together. We came through the
9 confirmation process and we were sworn in
10 together. For the full last decade she has been
11 an active and hardworking member of the
12 Commission, contributing greatly to our
13 decisions. She's actually a math whiz. She
14 understands the statistical analysis and the data
15 analysis and has been so helpful to understanding
16 the policies of the Commission.

17 Our staff in particular would love to
18 thank her -- they all have told me this -- for
19 her very supportive efforts. She has also been
20 very impactful in prison reform efforts to better
21 educate prisoners in the Bureau of Prisons,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 particularly those with learning disabilities.

2 She's been a valued member of the
3 Commission, often offering that one idea -- you
4 know, like, you're fighting -- you're trying to
5 figure out how we can reach compromise. How are
6 we going to get this important amendment through?
7 And she has often been the one who's given that
8 one extra idea or that one insight that -- that's
9 brought closure to the process. I -- I can't
10 imagine -- she's now in California -- not seeing
11 you a lot.

12 Next is Judge William H. Pryor who
13 also joined the Commission in 2013. Judge Pryor
14 is a judge for the United States Circuit Court
15 for the Eleventh Circuit Court of Appeals,
16 appointed in 2004. Before his appointment to the
17 federal bench, Judge Pryor served as Attorney
18 General for the State of Alabama. And he's also
19 responsible for the creation of the Alabama
20 Sentencing Commission.

21 You've heard about thinking fast and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 thinking slow. Judge Pryor thinks deeply.
2 Judge Pryor is a true scholar who thinks about
3 the big picture of sentencing policy.

4 And next is Rachel Barkow. See -- I
5 refused to tell them what I was going to say in
6 advance. Who also joined in 2013. Commissioner
7 Barkow is the Segal Family Professor of
8 Regulatory Law and Policy at the New York
9 University School of Law where she focuses her
10 teaching and research on criminal and
11 administrative law.

12 She brings extensive academic
13 knowledge to the Commission. She knows everyone
14 in the academy who's thinking about these issues.
15 She is not only knowledgeable about sentencing
16 policy, but also on other important substantive
17 areas that affect our work, like *mens rea* law.
18 She serves as faculty director of the Center on
19 the Administration of the Criminal Law at the law
20 school.

21 I'd also like to recognize Michelle

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Morales who serves as the designated ex-officio
2 member of the Commission. She has the important
3 and, I'll say -- I think sometimes daunting task
4 -- of representing all the different viewpoints
5 within the Department of Justice.

6 Commissioner Morales is the acting
7 director of the Office of Policy and Legislation
8 at the Criminal Division of the Department. She
9 first joined that office in 2002 and has served
10 as its deputy director since 2009. Commissioner
11 Morales served previously as an -- AUSA in the
12 District of Puerto Rico.

13 There are some special guests who, I
14 think, are here. Carter Burwell is here as
15 counsel to Senator Cornyn. Welcome. Nkechi
16 Taifa -- I think I said that correctly -- from
17 the Open Society and Justice Roundtable. Sakira
18 Cook from the Leadership Conference, Jesselyn
19 McCurdy from the ACLU, Mary Price from FAMM, and
20 Denise Barrett and Laura Mate of Sentencing
21 Research Counsel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Now it's always -- I'm always a little
2 embarrassed to do this because somebody may have
3 come in afterwards and I missed you. And so, if
4 that is the case, I'm sorry. But we really
5 welcome everyone who's here right now.

6 Want to do a few business items to
7 begin with. As -- as some of you know, we have
8 expanded our national training opportunities for
9 judges and practitioners in recent years. In
10 June about 100 judges attended our first ever
11 training for judges in Chicago. And the feedback
12 was so positive that the Commission is holding
13 another training session for judges in 2017.

14 On September 7th to 9th the Commission
15 held its annual national training program in
16 Minneapolis and we had 850 attendees. I'd like
17 to recognize and acknowledge the excellent work
18 of the Commission's staff who organized the event
19 and conducted the individual sessions.

20 We've received some feedback from the
21 seminar participants that the national training

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 program has grown too large. To respond to this
2 feedback, but to also accommodate the continued
3 demand for our training program, we have decided
4 to hold a national training program series next
5 year.

6 So, the first in the series that is
7 open to the public will be May 31st to June 2nd
8 in Baltimore. And the second will be September
9 6th to 8th in Denver. We also will hold a judges-
10 only training program in San Diego on June 22nd
11 to 23rd. Registration is not yet open for these
12 programs, but you can check our website for more
13 details in the weeks ahead.

14 So, as you know, an important part of
15 our process are the advisory groups. In October,
16 the chair and vice chair of the Commission's
17 Practitioners Advisory Group -- or, PAG, as we
18 call it -- completed their terms of office. I
19 would like to take a moment to acknowledge their
20 service and thank them on behalf of the
21 Commissioner -- of the Commission.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Eric Tirschwell served as chair of the
2 PAG from October 2015 to October 2016, following
3 his previous service as vice chair. Nanci
4 Clarence served as vice chair for one year and
5 was a member of PAG since 2013. Nanci practices
6 law in San Francisco with Clarence Dyer & Cohen.

7 Existing members of the PAG have taken
8 over leadership roles and I'd like to acknowledge
9 them and thank them for their services as well.
10 The new chair, who has been on the advisory group
11 since 2012, is Ronald Levine who practices law in
12 Philadelphia. Ron is a principal at Post &
13 Schell in the firm's Business Law and Litigation
14 Department and chair of the firm's Internal
15 Investigation and White Collar Defense Group.

16 The new vice chair, Knut Johnson, who
17 practices criminal law in San Diego and is the
18 Criminal Justice Act representative from the
19 Southern District of California. He's been a
20 member of the PAG since 2015. We are grateful
21 to them and all the members of the Commission's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 advisory groups for their consent -- continued
2 service to the Commission.

3 And as I mentioned, we have a -- a new
4 advisory group. And I'll -- Chief Judge Ralph
5 Erickson from the District of North Dakota will
6 serve as the TIAG's chair. The other members
7 have been announced on our website and we thank
8 them for their time and service. So now we get
9 down to calling the meeting to order, and I'm
10 going to turn to our excellent General Counsel,
11 Kathleen Grilli.

12 MS. GRILLI: Judge, the first item of
13 business for your vote is a vote on the meeting
14 minutes from the August 18th, 2016 meeting. A
15 motion to adopt the minutes would be in order at
16 this time.

17 CHAIR SARIS: Do I hear a motion? A
18 second? Any discussion? All in favor?

19 (Chorus of ayes.)

20 CHAIR SARIS: Any opposed?

21 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR SARIS: All right. Motion
2 carries.

3 MS. GRILLI: The next item of business
4 for you are a series of proposed amendments for
5 publication. The first of which is a proposed
6 amendment on first offenders and alternatives to
7 incarceration. This proposed amendment contains
8 two parts, Parts A and B, either of which may be
9 promulgated since they're not mutually exclusive.

10 Part A sets forth a new Chapter 4
11 Guideline at §4C1.1 called First Offenders that
12 would provide lower guideline ranges for first
13 offenders generally and increase the availability
14 of alternatives to incarceration for such
15 offenders at the lower levels of the
16 Sentencing Table.

17 Part B of the proposed amendment would
18 expand Zone B of the Sentencing Table by
19 consolidating Zones B and C. Part B also amends
20 the Commentary to §5F1.2 for home detention, to
21 remove language requiring electronic monitoring.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Each part includes issues for comment. A motion
2 to publish the proposed amendment as I just
3 stated with a -- an original comment period
4 closing on February 20th, 2017 and a reply
5 comment period closing on March 10th, 2017 with
6 technical and conforming amendment authority to
7 staff would be in order at this time.

8 CHAIR SARIS: Thank you.

9 COMMISSIONER BARKOW: So moved.

10 COMMISSIONER FRIEDRICH: Second.

11 CHAIR SARIS: Any discussion? All in
12 favor?

13 (Chorus of ayes.)

14 CHAIR SARIS: Any opposed?

15 (No audible response.)

16 CHAIR SARIS: Now, I -- just a few
17 comments here. The Commission is considering
18 this proposed amendment to reduce the penalties
19 for first time offenders and to increase the
20 availability of alternatives to incarceration.
21 Last year the Commission studied alternatives to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 incarceration and found that alternative
2 sentences were imposed in only 13% of federal
3 cases.

4 Increasing the use of alternatives may
5 further decrease the over-capacity issues within
6 the federal prison system. We've also been
7 informed by our ongoing recidivism research that
8 shows that true first offenders have a
9 significant lower recidivism rate than offenders
10 with one criminal history point.

11 Thirty-point-two-percent of -- for
12 offenders with zero criminal history points
13 recidivate as opposed to 46.8% for those with one
14 point. So the Commission would like to consider
15 greater use of alternatives, especially for first
16 time offenders. Today we are publishing a
17 proposed amendment that could increase the use of
18 alternatives by combining Zones B and C, perhaps
19 adding a downward adjustment for certain first
20 time offenders, and adding commentary encouraging
21 the use of alternatives for certain categories of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 offenders.

2 Now, we have a vote? We just did?
3 Right. Okay.

4 (Laughter.)

5 CHAIR SARIS: We've adopted it. Let
6 the record reflect it was unanimous. So, is
7 there another motion?

8 MS. GRILLI: Yes, Judge. The next
9 amendment before you for consideration is an
10 issue -- an amendment titled Tribal Issues, which
11 arises from the recommendations contained in the
12 ad hoc Tribal Issues Advisory Group report that
13 was submitted to you this summer.

14 The proposed amendment contains two
15 parts again, neither of which are mutually
16 exclusive. The first part relates to criminal
17 history and the use of tribal court convictions.
18 Currently those are not counted for purposes of
19 calculating criminal history points, but may be
20 considered for -- for a departure based on
21 inadequacy of criminal history.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Part A of the proposed amendment would
2 amend the Commentary to §4A1.3 to set forth a
3 non-exhaustive set of factors for the court to
4 consider in determining whether and to what
5 extent an upward departure based upon a tribal
6 conviction is appropriate.

7 Part B of the proposed amendment
8 responds to concerns that the term Court
9 Protection Order has not been defined in the
10 guidelines and should be clarified. The proposed
11 amendment would amend the Commentary to §1B1.1 to
12 provide such a definition.

13 Each part includes issues for comment.
14 A motion to publish the proposed amendment with
15 -- again, with a public comment period -- an
16 original comment period closing on February 20th,
17 2017 and a reply comment period closing on March
18 10th, 2017 with technical and conforming
19 amendment authority to staff would be in order at
20 this time.

21 COMMISSIONER FRIEDRICH: So moved.

1 COMMISSIONER BARKOW: Second.

2 CHAIR SARIS: Any discussion?

3 (No audible response.)

4 CHAIR SARIS: I will make the following
5 comment. Based on the dedicated work of
6 commission staff, federal judges and stakeholder
7 groups, the Commission successfully established
8 a tribal advisory issues group which published
9 its report on the unique federal sentencing
10 issues relating to American Indians in June of
11 this year.

12 As a result of that report and the
13 subsequent hearing, the Commission established a
14 permanent Tribal Issues Advisory Group in August
15 of this year. I mentioned that just earlier. In
16 considering and implementing this group's
17 important work, the Commission examined the
18 impact of the federal sentencing guidelines on
19 tribal issues.

20 The Commission is putting forth a
21 proposed amendment that responds to the TIAG's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 recommendations regarding tribal court
2 convictions and sets forth five factors for a
3 sentencing -- sentencing judge to consider when
4 determining whether and to what extent an upward
5 departure may be appropriate based on a
6 defendant's history of tribal court convictions.
7 A vote is now in order. How many in favor?

8 (Chorus of ayes.)

9 CHAIR SARIS: Opposed?

10 (No audible response.)

11 CHAIR SARIS: It carries. Thank you.

12 MS. GRILLI: The next amendment, before
13 you today for your consideration is titled
14 Youthful Offenders. Currently under the
15 criminal history rules in the *Guidelines Manual*,
16 sentences for offenses committed prior to the age
17 of 18 are considered in the calculation of
18 defendant's criminal history score.

19 The guidelines distinguish between an
20 adult sentence in which the defendant committed
21 the offense before the age of 18 but was convicted

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as an adult, and a juvenile sentence resulting
2 from a juvenile adjudication. The guidelines
3 provide different time periods within which each
4 type of sentence is included in the calculation
5 of criminal history score.

6 The proposed amendment amends
7 §4A1.2(d) to exclude juvenile sentences from
8 being considered in the calculation of the
9 defendant's criminal history score. The
10 proposed amendment also amends the Commentary to
11 §4A1.3 to provide an example of an instance in
12 which a downward departure from the defendant's
13 criminal history may be warranted for an adult
14 conviction committed prior to the defendant's
15 18th birthday.

16 The proposed amendment also includes
17 issues for comment. A motion to publish the
18 proposed amendment with an original comment
19 period closing February 20th and a reply comment
20 period closing March 10th, 2017 and technical and
21 conforming amendment authority to staff would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 in order at this time.

2 CHAIR SARIS: Is there a motion?

3 COMMISSIONER BARKOW: So moved.

4 CHAIR SARIS: Is there a second?

5 COMMISSIONER MORALES: Second.

6 CHAIR SARIS: Any discussion?

7 (No audible response.)

8 CHAIR SARIS: The Commission is
9 considering a proposed amendment that targets
10 youthful offenders under the guidelines. This
11 proposal will exclude juvenile sentences from
12 being considered in the defendant's criminal
13 history score. It also provides a list of
14 certain offenses that should never be counted for
15 purposes of criminal history score including
16 juvenile status offenses and truancy.

17 In light of the growing adolescent
18 brain development research and recent court
19 decisions, we welcome public comment on this
20 issue. We -- it's time for the vote on this.
21 All in favor?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Chorus of ayes.)

2 CHAIR SARIS: Any opposed?

3 (No audible response.)

4 CHAIR SARIS: It carries. And let the
5 record reflect that at least three commissioners
6 voted in favor of this motion to publish.
7 General counsel will now advise us on a possible
8 vote concerning an amendment on the Bipartisan
9 Budget Act.

10 MS. GRILLI: Yes, Judge. The
11 Bipartisan Budget Act amendment which is before
12 you responds to the Bipartisan Budget Act of 2015
13 which added new subdivisions to 48 -- 42 USC
14 Sections 408, 10, 11, 13, 83A, prohibiting
15 conspiracy to commit fraud with the same
16 statutory maximum penalties applicable to the
17 substance of offenses that exist in those
18 statutes.

19 These statutes that were amended are
20 currently referenced in Appendix A to §2B1.1.
21 But the proposed amendment would amend Appendix

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A so they are also referenced to the Conspiracy
2 Guideline, §2X1.1.

3 The Bipartisan Budget Act also amended
4 those statutes to add increased penalties for
5 certain persons who are specifically defined in
6 the statute who commit fraud offenses under
7 relevant social security programs. The new
8 increased penalties, ten years, apply to all of
9 the fraudulent conduct in subsection A of the
10 three statutes.

11 The proposed amendment would amend
12 §2B1.1 to address cases in which the defendant
13 was convicted in any one of those statutes and to
14 whom the increased statutory maximum term
15 applies, but provides a bracketed enhancement of
16 either two or four levels and a minimum offense
17 level of 12 or 14 for such cases. It also adds
18 commentary concerning the applicability of the
19 abusive position of trust adjustment in §3B1.3,
20 bracketing two possibilities for that as well.
21 Issues for comment are also provided.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Motion to publish the proposed
2 amendment with an original comment period closing
3 February 20th and a reply comment period closing
4 March 10th, 2017 would be in order at this time
5 with technical and conforming amendment authority
6 to staff.

7 COMMISSIONER BREYER: So moved.

8 CHAIR SARIS: Is there a second?

9 COMMISSIONER FRIEDRICH: Second.

10 CHAIR SARIS: Any discussion?

11 (No Audible response.)

12 CHAIR SARIS: In response to the
13 Bipartisan Budget Act of 2015, the Commission is
14 also considering a proposed amendment that
15 reflects Congress's changes to the Social
16 Security Act by increasing penalties for Social
17 Security Fraud. I would like to acknowledge the
18 important years of work, as well as the continued
19 oversight, led by the House Judiciary Committee,
20 the Senate Committee on Finance and the House
21 Ways and Means Committee to ensure aggressive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 implementation of these new penalties relating to
2 social security fraud. Is there a vote? All in
3 favor?

4 (Chorus of ayes.)

5 CHAIR SARIS: Any opposed?

6 (No audible response.)

7 CHAIR SARIS: Motion carries to
8 publish. The General Counsel will now advise on
9 the first possible vote concerning a proposed
10 amendment on acceptance.

11 MS. GRILLI: I -- if I may actually go
12 back to an amendment --

13 CHAIR SARIS: All right.

14 MS. GRILLI: On criminal history
15 issues?

16 CHAIR SARIS: All right.

17 MS. GRILLI: This proposed amendment is
18 a result of the Commission's work in examining
19 Chapter 4. Chapter 4 of the guidelines currently
20 count revocation of probation, parole and
21 supervised release, special parole or mandatory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 release for purposes of calculating criminal
2 history points, adding the sentence of
3 imprisonment imposed on revocation to original
4 sentences of imprisonment and treating the total
5 as if it was one sentence for purposes of
6 calculating criminal history points.

7 Part A of the proposed amendment would
8 amend §4A1.2(k) to provide that those revocations
9 are not to be counted for purposes of criminal
10 history score. It would also state that such
11 revocations may be considered grounds for a
12 departure under §4A1.3, which is departures based
13 on inadequate -- inadequacies of criminal history
14 category. Part A also includes issues for
15 comment.

16 Part B of the proposed amendment would
17 amend the Commentary to §4A1.3 to provide that a
18 downward departure from the defendant's criminal
19 history may be warranted in cases in which the
20 period of imprisonment actually served by the
21 defendant was substantially less than the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 sentence imposed. Motion to publish the proposed
2 amendment on criminal history issues with an
3 original comment period closing on February 10th
4 and a reply comment period closing on March 10th,
5 2017 and technical and conforming amendment
6 authority to staff would be in order at this time.

7 COMMISSIONER BREYER: So moved.

8 CHAIR SARIS: Is there a second?

9 JUDGE PRYOR: Second.

10 CHAIR SARIS: Any discussion? All in
11 favor?

12 (Chorus of ayes.)

13 CHAIR SARIS: Any opposed?

14 (No audible response.)

15 CHAIR SARIS: It carries. Ms. Grilli?

16 MS. GRILLI: Yes, Judge. The next
17 amendment is the Acceptance of Responsibility
18 Amendment. This amendment -- proposed amendment
19 responds to concerns that the Commentary to
20 §3E1.1 encourages courts to deny a reduction in
21 sentence when a defendant pleads guilty, accepts

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 responsibility for the offensive conviction, but
2 unsuccessfully challenges the presentence report
3 assessment of relevant conduct.

4 The proposed amendment amends the
5 Commentary to §3E1.1 to revise how the defendants
6 challenge of relevant conduct should be
7 considered in determining whether the defendant
8 has accepted responsibility for purposes of the
9 guidelines. An issue for comment is also
10 provided.

11 A motion to publish the proposed
12 amendment as I just stated it with a -- a --
13 again, a public comment period closing February
14 10th, an original comment -- original comment
15 period the -- February 20th, sorry. Reply
16 comment period closing March 10th, 2017 and
17 technical and conforming amendment authority to
18 staff would be in order at this time.

19 CHAIR SARIS: Is there a motion?

20 COMMISSIONER FRIEDRICH: So moved.

21 CHAIR SARIS: Second?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE PRYOR: Second.

2 CHAIR SARIS: Any discussion?

3 (No audible response.)

4 CHAIR SARIS: All in favor?

5 (Chorus of ayes.)

6 CHAIR SARIS: Any opposed?

7 (No audible response.)

8 CHAIR SARIS: Thank you, it carries.

9 MS. GRILLI: The next amendment for
10 your consideration is the Miscellaneous Amendment
11 which responds to recently enacted legislation
12 and miscellaneous guideline issues. It contains
13 four parts.

14 Part A responds to the Transnational
15 Drug Trafficking Act of 2015 by amending §2B5.3.
16 Part B responds to the International Megan's Law
17 to Prevent Child Exploitation and Other Sexual
18 Crimes Through Advanced Notification of Traveling
19 Sex Offenders Act by amending §§2A3.5, 2A3.6 and
20 Appendix A. Issues for comment are also included
21 in this part.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Part C responds to the Frank R.
2 Lautenberg Chemical Safety for the 21st Century
3 Act by amending Appendix A. And Part D amends
4 §2G1.3 to clarify how the use of a computer
5 enhancement in subsection (b)3 of that guideline
6 interacts with its correlating commentary. A
7 motion to publish the proposed amendment with an
8 original comment period closing February 20th and
9 a reply comment period closing March 10th, 2017
10 and technical and conforming amendment to staff
11 is in order at this time.

12 CHAIR SARIS: Do I hear a motion?

13 COMMISSIONER BARKOW: So moved.

14 CHAIR SARIS: Second?

15 VICE CHAIR BREYER: Second.

16 CHAIR SARIS: Any discussion?

17 (No audible response.)

18 CHAIR SARIS: All in favor?

19 (Chorus of ayes.)

20 CHAIR SARIS: Any opposed?

21 (No audible response.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR SARIS: It carries. Thank you.

2 MS. GRILLI: The next proposed
3 amendment for your consideration is the Marijuana
4 Equivalency Technical Amendment which makes
5 technical changes to §2D1.1 to replace the term
6 marijuana equivalency with the term converted
7 drug weight. It also changes the title of the
8 drug equivalency tables to drug conversion
9 tables.

10 A motion to publish the proposed
11 amendment with an original comment period closing
12 February 20th, and a reply comment period closing
13 March 10th, 2017 with technical and conforming
14 amendment authority to staff would be in order at
15 this time.

16 CHAIR SARIS: Do I hear a motion?

17 VICE CHAIR BREYER: So moved.

18 JUDGE PRYOR: Second.

19 CHAIR SARIS: Any discussion? All in
20 favor?

21 (Chorus of ayes.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIR SARIS: Any opposed?

2 (No audible response.)

3 CHAIR SARIS: All right.

4 MS. GRILLI: The next amendment is a
5 technical amendment. This proposed amendment
6 makes various technical changes to the *Guidelines*
7 *Manual* and it also has several parts.

8 Part A makes clarifying changes to
9 Chapter 1 Part A and to Application Note 2(A) of
10 §2B1.1. Part B makes technical changes in
11 §§2Q1.3, 2R1.1, 4A1.2, and 4B1.4. Part C of the
12 proposed amendment makes clerical changes to the
13 Commentary to §1B1.13, subsections (d)6 and (e)2
14 of §2D1.11, the Commentary to §§2M2.1, 2Q1.1,
15 2Q1.2, 2Q1.3, subsection (a)4 to §5D1.3, and the
16 lines representing 18 United States Code Sections
17 371 and Sections 1591 in Appendix A.

18 A motion to publish the proposed
19 amendment with a comment period closing February
20 20th and a reply comment period closing March
21 10th, 2017 with technical and conforming

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 amendment authority to staff would be in order at
2 this time.

3 CHAIR SARIS: Thank you. Is there a
4 motion?

5 JUDGE PRYOR: So moved.

6 VICE CHAIR BREYER: Second.

7 CHAIR SARIS: Any discussion? All in
8 favor?

9 (Chorus of ayes.)

10 CHAIR SARIS: Any opposed?

11 (No audible response.)

12 CHAIR SARIS: It carries. Ms. Grilli?

13 MS. GRILLI: Yes, Judge. The final
14 vote to publish is on an issue for comment titled
15 Drugs. In August 2016 the Commission indicated
16 that one of its priorities this year would be the
17 study of offenses involving MDMA/ecstasy,
18 synthetic cannabinoids such as JWH-018 and AM-
19 2201, and synthetic cathinones such as methylone,
20 MDPV and mephedrone. The Commission intends that
21 the study will be conducted over a two-year

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 period.

2 The issue for comment -- seeks comment
3 on the following factors as it relates to each of
4 the drugs that I just mentioned: the chemical
5 structure, the pharmacological effects, the
6 legislative and scheduling history, the potential
7 for addiction and abuse, the pattern of abuse and
8 harms associated with abuse, and the patterns of
9 trafficking and harms associated with
10 trafficking.

11 The issue for comment also seeks
12 broader comment on offenses involving mis --
13 synthetic cathinones and synthetic cannabinoids
14 and the offenders involved in such offenses. A
15 motion to publish the issue for comment with a
16 public comment period closing on March 10th, 2017
17 and technical and conforming amendment authority
18 to staff would be in order at this time.

19 CHAIR SARIS: Thank you. Is there a
20 motion to publish the comment -- the issue for
21 comment? Is there a second?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 JUDGE PRYOR: Second.

2 CHAIR SARIS: Any discussion?

3 (No audible response.)

4 CHAIR SARIS: Let me just say that the
5 Commission is publishing an issue for comment
6 that initiates a two-year study on synthetic
7 drugs including synthetic cannabinoids,
8 cathinones and MDMA. Now that I'm leaving, I
9 finally can pronounce all these -- these drugs.

10 The study will consider among other
11 things whether to add new substances to drug
12 equivalency tables. In light of the increasing
13 trend of synthetic drug cases in the federal
14 docket, the Commission believes that it is
15 appropriate to further examine the issue.

16 The Commission welcomes any public
17 comment on the impact of synthetic drugs as we
18 conduct this study. We want to make sure that
19 the penalties are appropriate and the guidelines
20 are well informed. Is there a vote? All in
21 favor?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Chorus of ayes.)

2 CHAIR SARIS: Any opposed?

3 (No audible response.)

4 CHAIR SARIS: It carries. Thank you.

5 So now I move on --

6 COMMISSIONER MORALES: Judge Saris,
7 may I say a comment about --

8 CHAIR SARIS: Yes, yes. Of course.

9 COMMISSIONER MORALES: Thank you. We
10 are indeed, the Department, for the Commission
11 agreeing to do that study of synthetic drugs
12 which we believe is a really important issue.

13 But I did want to note that we do have
14 some concerns about some of the proposed
15 amendments. We believe that some of the
16 amendments as written could be overbroad and
17 potentially benefit offenders that, frankly, in
18 our opinion, should not -- do not merit such
19 benefit.

20 That said, we will express those
21 concerns more fully and recommend ways to address

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 them in the public comment. And as always, we
2 will work closely with the Commission to find
3 common ground so that we can find language that
4 we can indeed support. So, thanks.

5 CHAIR SARIS: Thank you. So, I'd like
6 to make a few concluding remarks about the
7 transition. During this period of transition, I'd
8 like to acknowledge that next year will mark the
9 30th anniversary of the Commission's first
10 publication of the sentencing guidelines.

11 Over the last six years, the proposed
12 amendments to the guidelines have been developed
13 and adopted in the same tradition of
14 bipartisanship that has shaped the Commission
15 during the last three decades. Over the last six
16 years the Commission's current membership has
17 continued this remarkable tradition with an
18 evidence-based and collegial approach to decision
19 making.

20 Our efforts have resulted in
21 significant policy decisions that we believe have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 contributed to a decrease in the federal prison
2 population, which peaked in 2013 at 219,298 and
3 now has declined to its current level of 193,303.
4 That's a reduction of more than 28,995 offenders
5 -- or, 13.2% over three years.

6 It has been a pleasure to serve as
7 chair of the Commission. I've learned so much
8 from each and every commissioner I have had the
9 honor to serve with. I started with my friend
10 and former chair Ricardo Hinajosa, with Ketanji
11 Brown Jackson -- now a judge -- Judge Beryl Howell
12 and Commissioner William Carr and ex-officio
13 Jonathan Wroblewski.

14 I have become a big fan of our
15 Standing Advisory Groups, the Practitioners
16 Advisory Group, the Probation Officers Advisory
17 Group and the Victims Advisory Group. I would
18 also like to thank the Federal Defenders
19 Guidelines Committee, Commission Liaison
20 Subcommittee, and the Sentencing Resource Counsel
21 for their assistance. I am enthusiastic about

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the future contribution of our Tribal Issues
2 Advisory Group.

3 These groups regularly meet with the
4 Commission and help us in the formation of
5 sentencing policy. I also would be remiss if I
6 did not acknowledge the significant impact of the
7 public comment in relation to our amendments to
8 the guidelines sent from a broad range of
9 interested Americans and stakeholders during my
10 tenure as chair. Your formal contact, your
11 continued interest by coming, has helped us shape
12 over 50 amendments that were promulgated during
13 my tenure.

14 And it's always a little dangerous
15 doing this. Just as I -- I mentioned some folks
16 who were here. I may be -- I'm missing people -
17 - but some of the organizations that have really
18 submitted the most public comment over the years,
19 and I'd like to thank, are the American Bar
20 Association, American Civil Liberties Union, the
21 Drug Policy Alliance, Families Against Mandatory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Minimums -- which I -- FAMM. And I'd also like
2 to thank Mary Price who I don't think has missed
3 a meeting since I -- since I've been here. The
4 National Association of Assistant United States
5 Attorneys, the National Association of Criminal
6 Defense Lawyers, and the Sentencing Project. I'm
7 sure there are more here and I apologize in
8 advance, but I -- I just -- in particular, you
9 know, we get these giant white binders with all
10 of your comments, and I sit on my couch and I
11 read everything -- as do all the commissioners -
12 - and we talk about it when we come into our
13 meeting. So, thank you.

14 It's also been a joy to work with the
15 Commission's staff of esteemed attorneys, social
16 scientists, and other professionals with
17 expertise on criminal justice and federal
18 sentencing policy. Along with the many other
19 hardworking individuals who each contribute with
20 their best efforts in their respective roles.

21 When I was a judge up in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Massachusetts, I had no idea the -- the level of
2 expertise and knowledge and commitment that went
3 in to each one of the guidelines. And that's
4 because of our outstanding staff.

5 I wanted to give a particular shout
6 out to Staff Director Ken Cohen and our staff
7 director before him, Judy Schoen. My first year
8 here -- those of you who have been following this
9 -- was a tough one as I learned the ropes. And
10 I have had the best of teachers, friends, and
11 mentors.

12 Our staff has provided all the
13 commissioners with invaluable support and
14 expertise, and together with all of you -- the
15 listening public and the people who send us
16 comments -- hopefully we have been active in
17 trying to make the guidelines in federal
18 sentencing fairer and more proportionate while
19 maintaining an ongoing commitment to public
20 safety.

21 When I first became chair six years

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 ago, the BOP inmate population was 37% over
2 capacity. I remember the head of the BOP sitting
3 here and telling us that statistic. Now it is
4 about half that. In 2011, my first year on the
5 Commission, the Commission implemented new lower
6 crack cocaine penalties from the 2010 Fair
7 Sentencing Act, and voted to apply these changes
8 retroactively to benefit currently incarcerated
9 crack cocaine offenders.

10 In arriving at these decisions, the
11 Commission found that the crack cocaine penalties
12 were not proportionate to the harms on society,
13 and that the impact of the unduly severe
14 penalties were borne mostly by minorities. That
15 decision resulted in 7,748 offenders receiving an
16 average reduction in their sentences of 19.9%,
17 from 153 months to 123 months.

18 Then in 2014 the Commission voted to
19 reduce the drug quantity table for all drug
20 trafficking offenses, not just crack cocaine, by
21 two levels, which reduced drug penalties going

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 forward by about 17%. The Commission then voted
2 to make those reductions retroactive. And, to-
3 date, 28,544 drug offenders have received an
4 average sentence reduction of 17% -- or about 25
5 months -- from 143 months to 118 months.

6 It's important for the public to know,
7 before sentencing reductions were granted, as a
8 result of the 2011 or 2014 amendments, each
9 individual case was reviewed by a federal judge
10 to ensure that the offender did not pose a public
11 safety risk. Simply put, none of these
12 reductions are automatic.

13 The Commission also had several other
14 important amendments that became effective this
15 year. In response to the Supreme Court's
16 decision in *Johnson* versus the United States, the
17 Commission eliminated the analogous residual
18 clause from the sentencing guideline's definition
19 of crime of violence. The amendment will help
20 relieve some of the strain on the courts and the
21 broader uncertainty that has followed *Johnson*.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 In addition, this year the Commission
2 published a report to Congress analyzing career
3 offenders in the federal system and the statutory
4 definition of crime of violence. In our report,
5 the Commission recommended that Congress
6 establish one definition of crime of violence for
7 all criminal law purposes, and we encouraged
8 Congress to adopt the Commission's definition of
9 crime of violence as that single, uniform
10 definition.

11 We also strengthened and broadened the
12 criteria for compassionate release with several
13 meaningful changes. Congress charged the
14 Commission with issuing policy statements
15 describing what should be considered
16 extraordinary and compelling reasons for a
17 sentencing reduction.

18 Through the Commission's newly
19 expanded criteria, federal inmates may be
20 eligible for compassionate release based on four
21 categories relating to medical conditions, age,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 family circumstances, or other extraordinary,
2 compelling reasons. The Commission's action
3 encourages the BOP to use its current authority
4 if an eligible offender meets any of these
5 circumstances.

6 We also addressed the guidelines for
7 illegal reentry offenses. The 2016 amendment
8 increased penalties for those immigrants who
9 commit crimes after unlawfully reentering the
10 country, or who are convicted of reentering the
11 country multiple times. Immigration offenses
12 comprised a large portion of the federal docket,
13 and these enhancements may affect a large number
14 of cases. They also simplify the application of
15 the immigration guidelines.

16 Over the last six years I've traveled
17 throughout the nation. From coast to coast, on
18 the border -- I've traveled throughout our great
19 country and I've spoken to different audiences
20 about the challenges confronting the federal
21 criminal justice system today.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Whether I'm addressing a room full of
2 federal judges or a group of law students, I've
3 always emphasized that the Commission's decisions
4 are evidence-based and data-driven. During my
5 tenure the Commission's Office of Research and
6 Data has analyzed 397,248 individual cases,
7 cataloguing the pertinent sentencing data into
8 comprehensive computer database maintained by the
9 Commission.

10 Our detailed synthesis of sentencing
11 data has culminated in 60 publications ranging
12 from significant research reports -- so, big,
13 thick things that I know you all love reading --
14 to those 23 -- two-page quick facts that Glenn
15 Schmitt has been -- and his crew have been so
16 creative in creating. These two-page documents
17 focusing on a variety of issues in the criminal
18 justice system.

19 We have also responded to 845 special
20 data requests. Since 2012 the Commission has
21 made its prison and sentencing impact analyses

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 available to the public on its website, and this
2 year the Commission launched a redesigned website
3 to make it more accessible. The Commission's
4 reports have a continuing impact on educating
5 policy makers and the public. For instance,
6 several of the Commission's recommendations in
7 its 2011 Mandatory Minimum Report are reflected
8 in bipartisan legislation now pending between --
9 before the House and the Senate.

10 We uniformly concluded that mandatory
11 minimum sentences in their current form are often
12 too high and applied too broadly to lower-level
13 defendants, and the most severe penalties are
14 often applied inconsistently.

15 So that's why we've urged Congress to
16 reduce the current statutory mandatory minimum
17 penalty for drug trafficking, to consider
18 expanding the safety valve to allow a greater
19 number of non-violent, low-level drug offenders
20 to be sentenced below mandatory minimum
21 penalties, to give retroactive effect to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 statutory changes made by the Fair Sentencing Act
2 of 2010 and to reassess the scope and severity of
3 the recidivism provisions in the statutes which
4 can double the mandatory minimum penalties if a
5 drug offender has a prior conviction for a drug
6 trafficking offense.

7 We plan to update the pivotal
8 Mandatory Minimum Report with more current data
9 in the future. And it's my hope -- and, I think
10 all of our hope -- that the Congress, the
11 Executive Branch, and the public continue to base
12 sentencing laws and policies on the Commission's
13 high quality data and thoughtful analysis. So
14 much bipartisan progress has been made in
15 criminal justice reform. I am so hopeful that
16 the 115th Congress will pass meaningful
17 legislation.

18 So, at this point, I have -- I'd like
19 to turn this over to my fellow and sister
20 commissioners and -- to see if they'd like to add
21 anything.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR BREYER: Well, I'm not shy,
2 so I will. You know, this -- this is our last
3 meeting. But more significantly, it is the
4 conclusion of Judge Saris's leadership on this -
5 - on this Commission. And it has been
6 universally acclaimed as extraordinary.

7 It's extraordinary because she has
8 brought to this Commission a sense, not only of
9 collegiality, but of truly listening to varying
10 points of view in an effort to try to resolve
11 differences. She has been guided by the
12 principle that the perfect is always, or
13 frequently, the enemy of the good. And so the
14 idea is to try to achieve some basic fairness,
15 some result that will alleviate situations in
16 which injustices occur.

17 You note that it's -- it's an
18 interesting thing for a judge to be part of a --
19 to be part of an administrative process where --
20 where what you have to do is try to achieve some
21 sort of compromise of -- in order to achieve a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 result that is progressive. And it is a
2 Commission that's not non-partisan, it's
3 bipartisan. And it's bipartisan because of the
4 effort, when the Commission was established, to
5 try to get different points of view expressed on
6 that Commission.

7 And it has been my pleasure -- and I
8 think every commissioner's pleasure -- to be
9 guided in that task which is a difficult task
10 because it's a task that always involves some
11 sort of compromise to be guided by Judge Saris.
12 Her leadership has been extraordinary. The
13 Commission has received a number of letters. Let
14 me just cite the two.

15 One comes from the Justice Roundtable
16 which is a -- which is a collection of -- of
17 groups that are very interested in -- in -- in -
18 - in establishing a -- communication with the
19 Commission in an effort to try to achieve
20 progress and reform in sentencing. And they
21 acknowledge Judge Saris's leadership. That

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 letter will be part of the -- placed on the web.

2 And also by my -- I'd like to mention
3 a letter that Congressman Conyers wrote a few
4 days ago. And I'd like to read excerpts of that:

5 "Dear Judge Saris, as your term comes
6 a close I would like to thank you for your
7 leadership of the United States Sentencing
8 Commission and your commitment to achieving
9 sentencing reform and equal justice for all.

10 You were appointed to chair the
11 Sentencing Commission during a critical period in
12 the evolution of our criminal justice system,
13 marked by an increased openness to rethinking
14 sentencing policy. At that time, President Obama
15 spoke of your unwavering commitment to justice
16 and his confidence that you would serve with
17 excellence and integrity. He was correct. Your
18 work on the Commission clearly showed your
19 dedication to justice over the past years. As
20 chair, you led the Commission with fortitude,
21 dignity, working to address important issues such

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 as sentencing disparities, the unwarranted and
2 costly growth of the federal prison population
3 and the unintended consequences of mandatory
4 minimum penalties, especially among minorities.

5 Your extensive legal experience and
6 knowledge combined with an obvious passion for
7 justice equipped you to guide the Commission
8 through a time of robust reflection and
9 innovation to accomplish many substantial
10 milestones. Your efforts made certain that the
11 purposes and the goals of the Commission were
12 fulfilled."

13 He cites the particular achievements
14 of Judge Saris and concludes: "you served with
15 diligence, distinction and honor. Always with a
16 sense of urgency in formulating solutions to
17 issues identified by the Commission, seeking to
18 promote fairness and public safety. I applaud
19 your efforts to foster public trust and respect
20 for our criminal justice system.

21 Although you are leaving the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Commission, I know you will continue to work to
2 improve our criminal justice system. Thank you
3 for your leadership, advocacy and service.
4 Signed, John Conyers, Jr. Member of Congress."

5 And that sentiment -- those sentiments
6 have been echoed by -- by so many people and
7 captured by Ken Cohen yesterday in his tribute to
8 -- to Judge Saris. As we know, the Commission -
9 - the -- at the end of the session may very well
10 be reduced to two members, not having a quorum to
11 act. And so the question is, well, what happens?
12 What happens to the Commission?

13 And -- and I want to suggest, as one
14 person, that while the Commission in terms of
15 promulgating amendments and taking official
16 action, may have some brief period of hibernation
17 -- the Commission itself does not. That is the
18 staff itself -- the Sentencing Commission.

19 The work that these people in the room
20 do is extraordinarily important. It is the
21 gathering of data from which evidence -- and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that's the evidence -- drives decisions. Drives
2 decisions of judges. After all the -- the -- the
3 sentencing guideline system is primarily directed
4 to judges, so judges can make decisions as to
5 what are appropriate sentences.

6 So, Glenn, your -- your -- you have to
7 redouble your efforts, which are extraordinary
8 anyway, and -- and gather all of that evidence,
9 because it is the evidence that drives it.

10 A second task that I would just like
11 to acknowledge -- and I can speak to this, I
12 think, because I am a judge -- is the importance
13 of the training that the Sentencing Commission
14 does. The -- the fact of the matter is that by
15 going out and talking to judges, and explaining
16 to judges how the guidelines operate, and how
17 they operate in a way to try to ameliorate the
18 disparities that may occur throughout the country
19 is extraordinarily important.

20 And in my travels -- and I think in
21 the Commissioner's travels -- we have constantly

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 been applauded -- we can't give course to the
2 credit -- but the credit really goes to the staff
3 of the Commission -- for engaging in -- in this
4 important task. And -- and Raquel Wilson and her
5 -- her very devoted and very talented individuals
6 who work with her must continue this task of
7 educating judges as to -- as to the relevance --
8 the relevance of the guidelines.

9 On this sort of -- a -- a personal
10 note, you know it -- I -- I've now been associated
11 with sentencing issues since 1967. I did the
12 math, I'm not as good as Dabney, but alarmingly,
13 it looks like it's like, 50 years. So, I've been
14 involved in this 50 years as a prosecutor, as a
15 defense lawyer, as a judge. Not yet as a
16 defendant, but --

17 (Laughter.)

18 VICE CHAIR BREYER: Those 50 years --
19 you would think after 50 years I would know what
20 a right sentence is -- a correct sentence in any
21 given situation -- and I'm not confident that I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 do. And nor do I think any judge is confident
2 that he or she has -- has articulated the correct
3 sentence in any given case. Because it's not
4 susceptible of that type of analysis.

5 More importantly, you do know -- or,
6 you should know -- what a wrong sentence is --
7 what a circumstance that is inappropriate to the
8 circumstances. And the guidelines help fashion
9 it -- anchor a judge in terms of -- of applying
10 a -- a better sentence to any given situation.
11 So it serves a tremendous role.

12 Now if I may say about our fellow
13 commissioners when we joined this Commission, we
14 all articulated the thought that we cannot allow
15 the perfect to be the enemy of the good. It's
16 important in this type of situation to try to
17 arrive at a compromised positions, at positions
18 that further the purposes of the sentencing
19 guidelines.

20 It has been, I would say, really a --
21 a remarkable experience for me to work with Judge

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Pryor who is one of the most principled
2 individuals that I have ever had the -- the
3 opportunity of working with. He -- while we may
4 not share, I think it's fair to say, exactly the
5 same ideology on all of these issues -- nor does
6 any judge necessarily share the same ideology.
7 And the purpose of the guidelines and the purpose
8 of this Commission is to try to articulate these
9 views and to see whether or not there's common
10 ground.

11 He has been a -- a leader of this
12 Commission in -- in arriving in a collegial way
13 at common ground in -- in our deliberations. And
14 it has been my honor to work with you.

15 Dabney, of course, brings not only the
16 institutional memory of the Commission, but also
17 a willingness -- and indeed, a zeal -- for looking
18 at what the evidence is with respect to any
19 particular suggestion that's been made. And it's
20 interesting -- it's interesting -- you all don't
21 see it -- but it's interesting that when you start

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 talking about the evidence, what does the data
2 show, it informs the judgment of commissioners as
3 to what the proper path is with respect to any
4 given amendment.

5 And of course it's been a delight,
6 Rachel, to work with you because while you're an
7 academic -- you are a -- you are a --

8 (Laughter.)

9 VICE CHAIR BREYER: You are a -- you
10 are a practical academic.

11 (Laughter.)

12 VICE CHAIR BREYER: That is to say you
13 have your feet and your soul rooted in -- in
14 reality and in a sense of improving the system.
15 And I think the Commission is extraordinarily
16 fortunate that you will go forward as a
17 commissioner. It has been a -- an honor,
18 privilege for me to do it.

19 And I would say that, Patti, just --
20 none of this would have happened -- none of this
21 would have happened without your -- without your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 leadership. And so I -- I'm indebted, but really
2 the country should be indebted by the service.
3 The fact is that without that type of leadership,
4 I don't know what we would have accomplished. So
5 thank you very much.

6 CHAIR SARIS: Thank you.

7 COMMISSIONER FRIEDRICH: What a tough
8 act to follow. Always.

9 (Simultaneous speaking.)

10 (Laughter.)

11 COMMISSIONER FRIEDRICH: Oh, well. I
12 will -- I will try. But, thank you Judge Breyer,
13 and thank you Judge Saris for your very, very
14 kind comments. It has been for me such an
15 incredible honor and privilege to serve these
16 last ten years. I am very, very sad to go.

17 And I would like to start by thanking
18 both Presidents Bush and Obama for giving me this
19 opportunity. Truly an opportunity that has been
20 one of the highlights of my professional career.
21 And that's not just because of the important work

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 this Commission does, but it's the people with
2 whom we serve. And let me start by talking about
3 the staff which is -- both Judge Saris and Judge
4 Breyer have made clear -- is just extraordinary.

5 You all bring such expertise and
6 professional judgment -- good judgment -- wisdom
7 and dedication to your jobs that -- that we the
8 Commission simply could not do what we do without
9 your help. And I am deeply grateful for all the
10 long hours you've put in and treasure your
11 friendship. And I will miss you -- miss you
12 dearly.

13 I'd also like to thank the
14 stakeholders. All of you do so much to enhance
15 our decision making and inform our judgment. I
16 know many, many of you have other jobs that you
17 do in addition to this, and yet you write very
18 extensive, thorough and solid both written
19 comment -- I know it takes great time to prepare
20 for your testimony before us for hearings -- and
21 also the informal feedback you give us. And we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 really appreciate it. We learn from it and
2 benefit from it enormously.

3 In these next few months, as Judge
4 Pryor and Judge Saris noted, we're going to be in
5 a period of transition here at the Commission.
6 But I have no doubt with this staff -- this expert
7 staff and the commitment of our remaining
8 commissioners here, that the good work will
9 continue.

10 And I'd just -- I'd just like to talk
11 about two areas in particular that are of most
12 interest to me. The first is the Commission's
13 ongoing work on recidivism. This research is
14 critically important not just to this Commission,
15 but to all policymakers who are looking at the
16 criminal justice system. And it really -- the --
17 -- the data is -- is -- the gathering is
18 impeccable. It's data no one else has and it
19 really helps not only us, but all of the outside
20 world and particularly the policymakers.

21 So, I -- I know that it will continue

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to shape criminal justice reform in this interim
2 and as we continue to face big challenges with
3 the overpopulation of your prisons, I know the
4 Commission's work in this area will be
5 instrumental. Not just ensuring that lengthy
6 prison terms are reserved for those who pose the
7 greatest risk to society, but also to help both
8 BOP and others provide the kind of support and
9 programming that will help prisoners successfully
10 integrate into society without jeopardizing
11 public safety.

12 And we have to do a better job of
13 programming. I've spent the last couple years
14 doing a lot of volunteer work in a federal prison.
15 And we can do better. We must do better.

16 Most of the inmates face significant
17 challenges in terms of -- not just addiction
18 issues but also learning disabilities and mental
19 health issues. And we can do better. We must
20 do better. Not only is it the right thing to do,
21 it is the cost-effective thing to do.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 A recent RAND study concluded that for
2 every dollar spent on evidence-based educational
3 programming, there's a five-dollar decrease in
4 recidivism cost. So programming good, effective
5 evidence-based programming makes a difference,
6 and I hope the Commission's continued research
7 will shed light on this subject.

8 Another important priority -- the
9 Commission, is its continued focus, I hope, on
10 structural reform of the guidelines. It's
11 currently structured -- the guidelines cannot
12 fulfill the goals of the Sentencing Reform Act
13 and we simply cannot ignore the increasing
14 disparities in the system. Especially the
15 demographic disparities. And I hope that the
16 future Commission will work with Congress to both
17 restructure and simplify the guidelines to better
18 meet the goals of the Sentencing Reform Act.

19 And finally the Commission -- the
20 commissioners. This is, as I said yesterday, one
21 of the most professional and collegial bodies

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that I've ever worked in. And Judge Saris, as I
2 said yesterday, I credit you for the leadership.

3 You have really set the tone not just
4 within the Commission in terms of how we treat
5 one another and staff treats one another and we
6 treat -- interact with staff. But also in terms
7 of the outside community. And you have done a
8 great deal to make this place the place that it
9 is today. And you've just done an outstanding
10 job. So I thank you for your -- for your service.

11 It has been such a pleasure to serve
12 with you -- and with all of you. Each one of you
13 really epitomizes the role of a public servant in
14 every way -- what -- what that should be. And
15 I'm deeply grateful for your friendship and I
16 will very much miss working with all of you.
17 Thank you.

18 JUDGE PRYOR: I wanted to say a few
19 words, too. I think that the last several years
20 will be remembered as one of the golden eras of
21 the United States Sentencing Commission. We have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tackled some of the most difficult problems in
2 federal sentencing. And the Commission has
3 resolved those problems with what I think are
4 thoughtful and data-driven solutions. I want to
5 highlight three.

6 We've satisfied our statutory mandate
7 to address prison overcrowding by reforming the
8 guideline for drug trafficking and by making that
9 reform retroactive. We have reformed the career
10 offender guideline to resolve some of the most
11 vexing and difficult problems in federal
12 sentencing. And we have reformed the immigration
13 guideline and simplified it in a way that will
14 save considerable tax dollars and result in
15 fairer sentencing.

16 None of these reforms could have been
17 achieved without the contributions of the
18 commissioners whose terms will soon expire.
19 Judge Patti Saris has been an exemplary leader
20 for this Commission. She has been thoughtful,
21 hardworking -- I will say more about hardworking.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 We will get in Commission meetings and
2 beg her for breaks. She has fortitude.

3 (Laughter.)

4 JUDGE PRYOR: She is serious, always
5 cheerful, fair-minded and above all, collegial.
6 We could not have asked for a better leader these
7 last few years.

8 The same is true for our vice chair,
9 Judge Chuck Breyer. The wisdom and wit that he
10 has brought to our work has been extraordinary
11 and I -- I could say a lot more, but I want to
12 say most of all I certainly hope that he will
13 soon be given the opportunity to serve again on
14 the Commission. We need him.

15 And I want to thank Commissioner
16 Dabney Friedrich for her long and distinguished
17 service on the Commission. She has brought a
18 unique mix of experience, as a Senate staffer,
19 federal prosecutor and associate White House
20 Counsel, to assist us in our work. And I want
21 to echo two things that were highlighted earlier

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 by Judges Saris and Breyer.

2 As Judge Saris rightly pointed out,
3 Commissioner Friedrich has often been the
4 necessary commissioner to provide us the key idea
5 to resolve some kind of problem as we have
6 considered amendments to the guidelines. And I
7 -- you know, I don't know how we could have
8 resolved these problems the last few years
9 without -- without those insights.

10 And I -- as Judge Breyer pointed out,
11 her institutional knowledge, too, has been
12 invaluable. Particularly in reminding us, as we
13 think about and deliberate about the various
14 issues, that previous commissions have thought
15 about and tried to tackle those same issues. And
16 she's helped us avoid going down trails that
17 would have been unproductive.

18 I'm proud to call all of these
19 commissioners my friends and colleagues. I want
20 to congratulate them and thank them for their
21 terrific service to the federal judiciary and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 most of all, to the American people.

2 COMMISSIONER BARKOW: So I would like
3 to say a few words, too. I think it can be easy
4 to become cynical about bureaucrats in Washington
5 or what the government can accomplish. But as a
6 member of this Commission for the past three-and-
7 a-half years, I've had a front-row seat to
8 government service at its finest and it's
9 highlighted for me all that can be accomplished
10 with the right people.

11 Three of the finest colleagues I have
12 ever had are leaving the Commission today.
13 Thankfully one is staying. And I want to take a
14 moment and reflect on what an honor it's been for
15 me to serve alongside them. Judge Saris,
16 Commissioner Friedrich, and Judge Breyer, they
17 represent the best of government service.

18 They've approached every decision
19 we've made at the Commission in my time here with
20 careful attention to our authorizing statutes,
21 the empirical facts and what would further the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 public interest. And we come from different
2 backgrounds and we bring different perspectives
3 to the issues, and yet we -- this group -- usually
4 reaches consensus about what we should do,
5 because that is what we're guided by. We're
6 guided by data, a commitment to the rule of law
7 and well-reasoned arguments.

8 And so our discussions of issues are
9 always respectful and productive. And actually,
10 they're usually pretty funny, too. And I
11 couldn't have dreamed of a better group of
12 colleagues. I want to give special thanks and
13 appreciation to Judge Saris, our chair.

14 So, my other hat, as has been
15 mentioned is as -- also as an administrative law
16 professor. And what I usually teach is
17 dysfunctional agencies -- agencies that fail.
18 All the ways in which they go wrong. And I will
19 just say that I wish that Judge Saris could run
20 every agency in our government.

21 (Laughter.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER BARKOW: If we could just
2 clone her out, we would solve so many problems.
3 Because the culture that she has fostered here at
4 the Commission is the ideal culture for good
5 decision making. Everyone comes prepared, and
6 she sets that example right at the top.

7 Everyone feels comfortable speaking
8 his or her mind and representing whatever view
9 they have because you know that's going to be
10 aired and respected and we'll all talk about it.
11 And she keeps us moving along. She runs an
12 efficient meeting. And then she guides us to
13 common ground.

14 So, it's not surprising to me that the
15 Commission has accomplished what it has under
16 Chair Saris, and it really has been one of the
17 honors of my life to be part of this. I'm very
18 proud of what we've accomplished.

19 But the credit is really -- is really
20 yours for your guidance. So I always look
21 forward to these meetings. You know, I get on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 the train, and I'm excited to come down. I can't
2 wait to talk about it. But that wasn't true this
3 time. I was really sad. Really sad to see you
4 go.

5 Now, thankfully we're going to still
6 have the best staff. That's the other thing that
7 makes our agency really great is the staff are
8 incredible. They are so dedicated and
9 hardworking and smart and wonderful to be with.
10 And that same is true of Judge Pryor.

11 So I'm not alone and I'm very happy
12 about that. And I really hope that Judge Breyer
13 will be coming back. Because I echo that -- we
14 -- we need your service and you're tremendous.

15 But I know I speak for everyone here
16 when I say we will miss you all tremendously.
17 You will leave a void that I think will be
18 impossible to fill, but a legacy that I think
19 will continue to guide us. I fully expect to be
20 hearing your voices in my head in a hopefully
21 sane way as we --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (Laughter.)

2 COMMISSIONER BARKOW: On future
3 issues. Thank you.

4 COMMISSIONER MORALES: All right, so on
5 -- on my personal behalf, but also on behalf of
6 Commissioner Jonathan Wroblewski, who preceded me
7 and of course, on behalf of the Department as a
8 whole, I also want to thank the departing
9 commissioners for their collaboration with us.

10 And starting with Commissioner
11 Friedrich, your exemplary career path from your
12 work as an AUSA in San Diego and in Alexandria to
13 the Senate Judiciary Committee to the White House
14 Counsel's Office, and of course, your time on the
15 Commission, shows a true commitment to furthering
16 the causes of justice. But what is most
17 important is your work with the inmates at the
18 Federal Correctional Institution at Dublin.

19 As was previously noted, you have
20 shown an unwavering devotion to the women and
21 bettering their lives through -- through

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 education. Commissioner Friedrich has advocated
2 tirelessly in prison -- in the prison and to the
3 director of BOP and to department leadership. We
4 think it's fair to say that the Department's new
5 initiative to reform federal prison education
6 programs is due in large parts to your efforts.

7 So, Commissioner, we thank you for all
8 your tireless work on this, and we hope that our
9 collaboration continues. And of course, Chair
10 Saris, as so many already have noted, you have
11 just shown extraordinary leadership during your
12 tenure here at the Commission.

13 And together we've addressed many
14 important issues from healthcare fraud to the
15 theft of trade secrets. From firearms violence
16 to implementation of the Fair Sentencing Act.
17 Judge sentencing policy, retroactive
18 application, and simplification. You've guided
19 the Commission deftly and ensured that the voices
20 of defendants, law enforcement, crime victims,
21 and the public at large have been heard. And we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appreciate all that you've done, and for being
2 such a strong partner over the last years.

3 And for those of you who don't work
4 with her behind the scenes, Judge Saris is just
5 as pleasant and approachable and no-nonsense as
6 fair as she appears in public. And when
7 confronted with policy questions, as others have
8 noted, she's always considered the question head-
9 on, with an open mind, and considered science and
10 consulting her real-world experience and
11 assessing the right outcome. And what's more,
12 she shares all that experience with us -- and
13 it's amazing how she always seems to have a
14 defendant that was just before her that --

15 (Laughter.)

16 COMMISSIONER MORALES: Same issue that
17 we're discussing. So she'll walk us through the
18 analysis and lay out her conclusion. And does
19 it in a way that it invites conversation,
20 challenge and it becomes a true give and take
21 that, which as others have noted, is what makes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 policy work. And also she always finds a great
2 pun to tie all these things together and make us
3 all laugh.

4 But, all in all, Chair Saris, your
5 leaving this institution, as others have noted,
6 stronger than you found it. And your leadership
7 has contributed to greater justice in ways large
8 and small. And for that the Department of
9 Justice will always be grateful.

10 And, Judge Breyer, like others have
11 noted, we are hoping you get extended so you don't
12 -- you don't get a --

13 (Laughter.)

14 COMMISSIONER MORALES: You don't get a
15 special -- we really hope to see you as well as
16 Commissioner Pryor and Commissioner Barkow in
17 2017.

18 CHAIR SARIS: Thank you. Wow. It's
19 very sad day for me as you can see, all of us
20 have become very close friends as commissioners.
21 It's such a -- thank the President for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 nominating, not just me, but everybody here. And
2 also the Congress for confirming us. It's been
3 a true honor. I'm pleased with the
4 accomplishments of the last six years and
5 grateful to all -- everybody in this room for
6 helping.

7 I -- I wanted to mention that I --
8 what I'm hoping to convey is regardless of how
9 many commissions -- commissioners there are, our
10 work goes on. We're working hard. We're working
11 hard on reports. We're working hard on
12 amendments. And it's important that you all stay
13 with us as the years go forward.

14 To that end I'd like to acknowledge
15 that there will be a new acting chair announced
16 as my term ends with the conclusion of the session
17 of Congress. I am confident that the future
18 Commission and the Commission staff will remain
19 dedicated and serious about the important
20 mission. And as we all look back on 30 years of
21 guidelines and work of the Commission, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 appreciate -- it's really my honor to serve as
2 the chair during this historic period. It really
3 was historic. I remember being asked to be chair
4 of the Commission -- I've never been chair of --
5 led an agency before. And each opportunity --
6 each new opportunity -- each new challenge, I was
7 helped by everyone here.

8 So, while my time is ending, the work
9 goes on. And I urge each one of you to remain
10 focused and dedicated as ever to the guidelines
11 which are fair, effective, and just. And to make
12 sure they stay that way. Thank you very much.
13 Should we call this? Do we have a motion to
14 close?

15 JUDGE PRYOR: I move to be adjourned.

16 CHAIR SARIS: Please, no one second.

17 (Laughter.)

18 CHAIR SARIS: No one seconds. Sorry.

19 Not going anywhere.

20 (Laughter.)

21 CHAIR SARIS: Is there a second?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 (No audible response.)

2 (Laughter.)

3 CHAIR SARIS: Now what do I do?

4 COMMISSIONER FRIEDRICH: I'll second.

5 CHAIR SARIS: We'll walk out arm-in-
6 arm.

7 COMMISSIONER FRIEDRICH: Yes.

8 CHAIR SARIS: Just how we walked in.
9 And the meeting's now adjourned. Thank you very
10 much.

11 (Applause.)

12 (Whereupon, the above-entitled matter
13 went off the record at 12:39 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701