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

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

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

But before I do that, I would like to introduce the other members of the Commission.
I'll start with Judge Charles R. Breyer. He is a senior district judge for the Northern District of California and has served as United States District Judge since 1998. He joined the Commission in 2013 and serves as a Vice Chair.

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

Next we have Dabney Friedrich who has served on the Commission, really, more than a decade since 2006. Immediately prior to her appointment to the Commission, Commissioner Friedrich served as associate counsel at the White House. She previously served as counsel
to Chairman Orrin Hatch of the United States Senate Judiciary Committee, and as an assistant U.S. attorney for the Southern District of California and for the Eastern District of Virginia.

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

Our staff in particular would love to thank her -- they all have told me this -- for her very supportive efforts. She has also been very impactful in prison reform efforts to better educate prisoners in the Bureau of Prisons,
particularly those with learning disabilities.

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

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

You've heard about thinking fast and
thinking slow. Judge Pryor thinks deeply. Judge Pryor is a true scholar who thinks about the big picture of sentencing policy.

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

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

I'd also like to recognize Michelle
Morales who serves as the designated ex-officio member of the Commission. She has the important and, I'll say -- I think sometimes daunting task -- of representing all the different viewpoints within the Department of Justice.

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

There are some special guests who, I think, are here. Carter Burwell is here as counsel to Senator Cornyn. Welcome. Nkechi Taifa -- I think I said that correctly -- from the Open Society and Justice Roundtable. Sakira Cook from the Leadership Conference, Jesselyn McCurdy from the ACLU, Mary Price from FAMM, and Denise Barrett and Laura Mate of Sentencing Research Counsel.
Now it's always -- I'm always a little embarrassed to do this because somebody may have come in afterwards and I missed you. And so, if that is the case, I'm sorry. But we really welcome everyone who's here right now.

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

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

We've received some feedback from the seminar participants that the national training
program has grown too large. To respond to this feedback, but to also accommodate the continued demand for our training program, we have decided to hold a national training program series next year.

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

So, as you know, an important part of our process are the advisory groups. In October, the chair and vice chair of the Commission’s Practitioners Advisory Group -- or, PAG, as we call it -- completed their terms of office. I would like to take a moment to acknowledge their service and thank them on behalf of the Commissioner -- of the Commission.
Eric Tirschwell served as chair of the PAG from October 2015 to October 2016, following his previous service as vice chair. Nanci Clarence served as vice chair for one year and was a member of PAG since 2013. Nanci practices law in San Francisco with Clarence Dyer & Cohen.

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

The new vice chair, Knut Johnson, who practices criminal law in San Diego and is the Criminal Justice Act representative from the Southern District of California. He's been a member of the PAG since 2015. We are grateful to them and all the members of the Commission's
advisory groups for their consent -- continued
service to the Commission.

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

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

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

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)
CHAIR SARIS: All right. Motion carries.

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

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

Part B of the proposed amendment would expand Zone B of the Sentencing Table by consolidating Zones B and C. Part B also amends the Commentary to §5F1.2 for home detention, to remove language requiring electronic monitoring.
Each part includes issues for comment. A motion to publish the proposed amendment as I just stated with an original comment period closing on February 20th, 2017 and a reply comment period closing on March 10th, 2017 with technical and conforming amendment authority to staff would be in order at this time.

CHAIR SARIS: Thank you.

COMMISSIONER BARKOW: So moved.

COMMISSIONER FRIEDRICH: Second.

CHAIR SARIS: Any discussion? All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: Now, I -- just a few comments here. The Commission is considering this proposed amendment to reduce the penalties for first time offenders and to increase the availability of alternatives to incarceration.

Last year the Commission studied alternatives to
incarceration and found that alternative sentences were imposed in only 13% of federal cases.

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

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

Now, we have a vote? We just did?

Right. Okay.

(Laughter.)

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

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

The proposed amendment contains two parts again, neither of which are mutually exclusive. The first part relates to criminal history and the use of tribal court convictions. Currently those are not counted for purposes of calculating criminal history points, but may be considered for -- for a departure based on inadequacy of criminal history.
Part A of the proposed amendment would amend the Commentary to §4A1.3 to set forth a non-exhaustive set of factors for the court to consider in determining whether and to what extent an upward departure based upon a tribal conviction is appropriate.

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

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

COMMISSIONER FRIEDRICH: So moved.
COMMISSIONER BARKOW: Second.

CHAIR SARIS: Any discussion?

(No audible response.)

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

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

The Commission is putting forth a proposed amendment that responds to the TIAG's
recommendations regarding tribal court convictions and sets forth five factors for a sentencing -- sentencing judge to consider when determining whether and to what extent an upward departure may be appropriate based on a defendant's history of tribal court convictions. A vote is now in order. How many in favor?

(Chorus of ayes.)

CHAIR SARIS: Opposed?

(No audible response.)

CHAIR SARIS: It carries. Thank you.

MS. GRILLI: The next amendment, before you today for your consideration is titled Youthful Offenders. Currently under the criminal history rules in the Guidelines Manual, sentences for offenses committed prior to the age of 18 are considered in the calculation of defendant's criminal history score. The guidelines distinguish between an adult sentence in which the defendant committed the offense before the age of 18 but was convicted
as an adult, and a juvenile sentence resulting from a juvenile adjudication. The guidelines provide different time periods within which each type of sentence is included in the calculation of criminal history score.

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

The proposed amendment also includes issues for comment. A motion to publish the proposed amendment with an original comment period closing February 20th and a reply comment period closing March 10th, 2017 and technical and conforming amendment authority to staff would be
in order at this time.

CHAIR SARIS: Is there a motion?

COMMISSIONER BARKOW: So moved.

CHAIR SARIS: Is there a second?

COMMISSIONER MORALES: Second.

CHAIR SARIS: Any discussion?

(No audible response.)

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

In light of the growing adolescent brain development research and recent court decisions, we welcome public comment on this issue. We -- it's time for the vote on this. All in favor?
(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

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

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

These statutes that were amended are currently referenced in Appendix A to §2B1.1. But the proposed amendment would amend Appendix
A so they are also referenced to the Conspiracy Guideline, §2X1.1.

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

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

Issues for comment are also provided.
Motion to publish the proposed amendment with an original comment period closing February 20th and a reply comment period closing March 10th, 2017 would be in order at this time with technical and conforming amendment authority to staff.

COMMISSIONER BREYER: So moved.

CHAIR SARIS: Is there a second?

COMMISSIONER FRIEDRICH: Second.

CHAIR SARIS: Any discussion?

(No Audible response.)

CHAIR SARIS: In response to the Bipartisan Budget Act of 2015, the Commission is also considering a proposed amendment that reflects Congress's changes to the Social Security Act by increasing penalties for Social Security Fraud. I would like to acknowledge the important years of work, as well as the continued oversight, led by the House Judiciary Committee, the Senate Committee on Finance and the House Ways and Means Committee to ensure aggressive
implementation of these new penalties relating to social security fraud. Is there a vote? All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

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

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

CHAIR SARIS: All right.

MS. GRILLI: On criminal history issues?

CHAIR SARIS: All right.

MS. GRILLI: This proposed amendment is a result of the Commission's work in examining Chapter 4. Chapter 4 of the guidelines currently count revocation of probation, parole and supervised release, special parole or mandatory
release for purposes of calculating criminal
history points, adding the sentence of
imprisonment imposed on revocation to original
sentences of imprisonment and treating the total
as if it was one sentence for purposes of
calculating criminal history points.

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

Part B of the proposed amendment would
amend the Commentary to §4A1.3 to provide that a
downward departure from the defendant's criminal
history may be warranted in cases in which the
period of imprisonment actually served by the
defendant was substantially less than the
sentence imposed. Motion to publish the proposed amendment on criminal history issues with an original comment period closing on February 10th and a reply comment period closing on March 10th, 2017 and technical and conforming amendment authority to staff would be in order at this time.

COMMISSIONER BREYER: So moved.

CHAIR SARIS: Is there a second?

JUDGE PRYOR: Second.

CHAIR SARIS: Any discussion? All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: It carries. Ms. Grilli?

MS. GRILLI: Yes, Judge. The next amendment is the Acceptance of Responsibility Amendment. This amendment -- proposed amendment responds to concerns that the Commentary to §3E1.1 encourages courts to deny a reduction in sentence when a defendant pleads guilty, accepts
responsibility for the offensive conviction, but
unsuccessfully challenges the presentence report
assessment of relevant conduct.

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

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

CHAIR SARIS: Is there a motion?
COMMISSIONER FRIEDRICH: So moved.
CHAIR SARIS: Second?
JUDGE PRYOR: Second.

CHAIR SARIS: Any discussion?

(No audible response.)

CHAIR SARIS: All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: Thank you, it carries.

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

Part A responds to the Transnational Drug Trafficking Act of 2015 by amending §2B5.3. Part B responds to the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders Act by amending §§2A3.5, 2A3.6 and Appendix A. Issues for comment are also included in this part.
Part C responds to the Frank R. Lautenberg Chemical Safety for the 21st Century Act by amending Appendix A. And Part D amends §2G1.3 to clarify how the use of a computer enhancement in subsection (b)3 of that guideline interacts with its correlating commentary. A motion to publish the proposed amendment with an original comment period closing February 20th and a reply comment period closing March 10th, 2017 and technical and conforming amendment to staff is in order at this time.

CHAIR SARIS: Do I hear a motion?

COMMISSIONER BARKOW: So moved.

CHAIR SARIS: Second?

VICE CHAIR BREYER: Second.

CHAIR SARIS: Any discussion?

(No audible response.)

CHAIR SARIS: All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)
CHAIR SARIS: It carries. Thank you.

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

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

CHAIR SARIS: Do I hear a motion?

VICE CHAIR BREYER: So moved.

JUDGE PRYOR: Second.

CHAIR SARIS: Any discussion? All in favor?

(Chorus of ayes.)
CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: All right.

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

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

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

CHAIR SARIS: Thank you. Is there a motion?

JUDGE PRYOR: So moved.

VICE CHAIR BREYER: Second.

CHAIR SARIS: Any discussion? All in favor?

(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: It carries. Ms. Grilli?

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

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

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

CHAIR SARIS: Thank you. Is there a motion to publish the comment -- the issue for comment? Is there a second?
JUDGE PRYOR: Second.

CHAIR SARIS: Any discussion?

(No audible response.)

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

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

The Commission welcomes any public comment on the impact of synthetic drugs as we conduct this study. We want to make sure that the penalties are appropriate and the guidelines are well informed. Is there a vote? All in favor?
(Chorus of ayes.)

CHAIR SARIS: Any opposed?

(No audible response.)

CHAIR SARIS: It carries. Thank you.

So now I move on --

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

CHAIR SARIS: Yes, yes. Of course.

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

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

That said, we will express those concerns more fully and recommend ways to address
them in the public comment. And as always, we will work closely with the Commission to find common ground so that we can find language that we can indeed support. So, thanks.

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

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

Our efforts have resulted in significant policy decisions that we believe have
contributed to a decrease in the federal prison population, which peaked in 2013 at 219,298 and now has declined to its current level of 193,303. That's a reduction of more than 28,995 offenders -- or, 13.2% over three years.

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

I have become a big fan of our Standing Advisory Groups, the Practitioners Advisory Group, the Probation Officers Advisory Group and the Victims Advisory Group. I would also like to thank the Federal Defenders Guidelines Committee, Commission Liaison Subcommittee, and the Sentencing Resource Counsel for their assistance. I am enthusiastic about
the future contribution of our Tribal Issues Advisory Group.

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

And it's always a little dangerous doing this. Just as I -- I mentioned some folks who were here. I may be -- I'm missing people -- but some of the organizations that have really submitted the most public comment over the years, and I'd like to thank, are the American Bar Association, American Civil Liberties Union, the Drug Policy Alliance, Families Against Mandatory
Minimums -- which I -- FAMM. And I'd also like to thank Mary Price who I don't think has missed a meeting since I -- since I've been here. The National Association of Assistant United States Attorneys, the National Association of Criminal Defense Lawyers, and the Sentencing Project. I'm sure there are more here and I apologize in advance, but I -- I just -- in particular, you know, we get these giant white binders with all of your comments, and I sit on my couch and I read everything -- as do all the commissioners -- and we talk about it when we come into our meeting. So, thank you.

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

When I was a judge up in
Massachusetts, I had no idea the -- the level of
closest and knowledge and commitment that went
in to each one of the guidelines. And that's
because of our outstanding staff.

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

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

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

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

Then in 2014 the Commission voted to reduce the drug quantity table for all drug trafficking offenses, not just crack cocaine, by two levels, which reduced drug penalties going
forward by about 17%. The Commission then voted to make those reductions retroactive. And, to-date, 28,544 drug offenders have received an average sentence reduction of 17% -- or about 25 months -- from 143 months to 118 months.

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

The Commission also had several other important amendments that became effective this year. In response to the Supreme Court's decision in Johnson versus the United States, the Commission eliminated the analogous residual clause from the sentencing guideline's definition of crime of violence. The amendment will help relieve some of the strain on the courts and the broader uncertainty that has followed Johnson.
In addition, this year the Commission published a report to Congress analyzing career offenders in the federal system and the statutory definition of crime of violence. In our report, the Commission recommended that Congress establish one definition of crime of violence for all criminal law purposes, and we encouraged Congress to adopt the Commission's definition of crime of violence as that single, uniform definition.

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

Through the Commission's newly expanded criteria, federal inmates may be eligible for compassionate release based on four categories relating to medical conditions, age,
family circumstances, or other extraordinary, compelling reasons. The Commission's action encourages the BOP to use its current authority if an eligible offender meets any of these circumstances.

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

Over the last six years I've traveled throughout the nation. From coast to coast, on the border -- I've traveled throughout our great country and I've spoken to different audiences about the challenges confronting the federal criminal justice system today.
Whether I'm addressing a room full of federal judges or a group of law students, I've always emphasized that the Commission's decisions are evidence-based and data-driven. During my tenure the Commission's Office of Research and Data has analyzed 397,248 individual cases, cataloguing the pertinent sentencing data into comprehensive computer database maintained by the Commission.

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

We have also responded to 845 special data requests. Since 2012 the Commission has made its prison and sentencing impact analyses
available to the public on its website, and this
year the Commission launched a redesigned website
to make it more accessible. The Commission's
reports have a continuing impact on educating
policy makers and the public. For instance,
several of the Commission's recommendations in
its 2011 Mandatory Minimum Report are reflected
in bipartisan legislation now pending between --
before the House and the Senate.

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

So that's why we've urged Congress to
reduce the current statutory mandatory minimum
penalty for drug trafficking, to consider
expanding the safety valve to allow a greater
number of non-violent, low-level drug offenders
to be sentenced below mandatory minimum
penalties, to give retroactive effect to
statutory changes made by the Fair Sentencing Act of 2010 and to reassess the scope and severity of the recidivism provisions in the statutes which can double the mandatory minimum penalties if a drug offender has a prior conviction for a drug trafficking offense.

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

So, at this point, I have -- I'd like to turn this over to my fellow and sister commissioners and -- to see if they'd like to add anything.
VICE CHAIR BREYER: Well, I'm not shy, so I will. You know, this -- this is our last meeting. But more significantly, it is the conclusion of Judge Saris's leadership on this -- on this Commission. And it has been universally acclaimed as extraordinary.

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

You note that it's -- it's an interesting thing for a judge to be part of a -- to be part of an administrative process where -- where what you have to do is try to achieve some sort of compromise of -- in order to achieve a
result that is progressive. And it is a Commission that's not non-partisan, it's bipartisan. And it's bipartisan because of the effort, when the Commission was established, to try to get different points of view expressed on that Commission.

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

One comes from the Justice Roundtable which is a -- which is a collection of -- of groups that are very interested in -- in -- in -- in establishing a -- communication with the Commission in an effort to try to achieve progress and reform in sentencing. And they acknowledge Judge Saris's leadership. That
And also by my -- I'd like to mention a letter that Congressman Conyers wrote a few days ago. And I'd like to read excerpts of that:

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

You were appointed to chair the Sentencing Commission during a critical period in the evolution of our criminal justice system, marked by an increased openness to rethinking sentencing policy. At that time, President Obama spoke of your unwavering commitment to justice and his confidence that you would serve with excellence and integrity. He was correct. Your work on the Commission clearly showed your dedication to justice over the past years. As chair, you led the Commission with fortitude, dignity, working to address important issues such
as sentencing disparities, the unwarranted and
costly growth of the federal prison population
and the unintended consequences of mandatory
minimum penalties, especially among minorities.

Your extensive legal experience and
knowledge combined with an obvious passion for
justice equipped you to guide the Commission
through a time of robust reflection and
innovation to accomplish many substantial
milestones. Your efforts made certain that the
purposes and the goals of the Commission were
fulfilled.”

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

Although you are leaving the
Commission, I know you will continue to work to improve our criminal justice system. Thank you for your leadership, advocacy and service. Signed, John Conyers, Jr. Member of Congress.”

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

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

The work that these people in the room do is extraordinarily important. It is the gathering of data from which evidence -- and
that's the evidence -- drives decisions. Drives
decisions of judges. After all the -- the -- the
sentencing guideline system is primarily directed
to judges, so judges can make decisions as to
what are appropriate sentences.

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

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

And in my travels -- and I think in
been applauded -- we can't give course to the credit -- but the credit really goes to the staff of the Commission -- for engaging in -- in this important task. And -- and Raquel Wilson and her -- her very devoted and very talented individuals who work with her must continue this task of educating judges as to -- as to the relevance -- the relevance of the guidelines.

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

(Laughter.)

VICE CHAIR BREYER: Those 50 years -- you would think after 50 years I would know what a right sentence is -- a correct sentence in any given situation -- and I'm not confident that I
do. And nor do I think any judge is confident that he or she has -- has articulated the correct sentence in any given case. Because it's not susceptible of that type of analysis.

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

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

 It has been, I would say, really a -- a remarkable experience for me to work with Judge
Pryor who is one of the most principled individuals that I have ever had the opportunity of working with. He -- while we may not share, I think it's fair to say, exactly the same ideology on all of these issues -- nor does any judge necessarily share the same ideology. And the purpose of the guidelines and the purpose of this Commission is to try to articulate these views and to see whether or not there's common ground.

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

Dabney, of course, brings not only the institutional memory of the Commission, but also a willingness -- and indeed, a zeal -- for looking at what the evidence is with respect to any particular suggestion that's been made. And it's interesting -- it's interesting -- you all don't see it -- but it's interesting that when you start
talking about the evidence, what does the data show, it informs the judgment of commissioners as to what the proper path is with respect to any given amendment.

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

(Laughter.)

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

(Laughter.)

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

And I would say that, Patti, just -- none of this would have happened -- none of this would have happened without your -- without your
leadership. And so I -- I'm indebted, but really
the country should be indebted by the service.
The fact is that without that type of leadership,
I don't know what we would have accomplished. So
thank you very much.

CHAIR SARIS: Thank you.

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

(Simultaneous speaking.)

(Laughter.)

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

And I would like to start by thanking
both Presidents Bush and Obama for giving me this
opportunity. Truly an opportunity that has been
one of the highlights of my professional career.
And that's not just because of the important work
this Commission does, but it's the people with whom we serve. And let me start by talking about the staff which is -- both Judge Saris and Judge Breyer have made clear -- is just extraordinary.

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

I'd also like to thank the stakeholders. All of you do so much to enhance our decision making and inform our judgment. I know many, many of you have other jobs that you do in addition to this, and yet you write very extensive, thorough and solid both written comment -- I know it takes great time to prepare for your testimony before us for hearings -- and also the informal feedback you give us. And we
really appreciate it. We learn from it and
benefit from it enormously.

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

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

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

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

Most of the inmates face significant
challenges in terms of -- not just addiction
issues but also learning disabilities and mental
health issues. And we can do better. We must
do better. Not only is it the right thing to do,
it is the cost-effective thing to do.
A recent RAND study concluded that for every dollar spent on evidence-based educational programming, there's a five-dollar decrease in recidivism cost. So programming good, effective evidence-based programming makes a difference, and I hope the Commission's continued research will shed light on this subject.

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

And finally the Commission -- the commissioners. This is, as I said yesterday, one of the most professional and collegial bodies
that I've ever worked in. And Judge Saris, as I said yesterday, I credit you for the leadership.

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

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

Thank you.

JUDGE PRYOR: I wanted to say a few words, too. I think that the last several years will be remembered as one of the golden eras of the United States Sentencing Commission. We have
tackled some of the most difficult problems in federal sentencing. And the Commission has resolved those problems with what I think are thoughtful and data-driven solutions. I want to highlight three.

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

None of these reforms could have been achieved without the contributions of the commissioners whose terms will soon expire. Judge Patti Saris has been an exemplary leader for this Commission. She has been thoughtful, hardworking -- I will say more about hardworking.
We will get in Commission meetings and beg her for breaks. She has fortitude.

(Laughter.)

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

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

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

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

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

I'm proud to call all of these commissioners my friends and colleagues. I want to congratulate them and thank them for their terrific service to the federal judiciary and
most of all, to the American people.

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

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

They've approached every decision we've made at the Commission in my time here with careful attention to our authorizing statutes, the empirical facts and what would further the
public interest. And we come from different backgrounds and we bring different perspectives to the issues, and yet we -- this group -- usually reaches consensus about what we should do, because that is what we're guided by. We're guided by data, a commitment to the rule of law and well-reasoned arguments.

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

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

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

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

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

But the credit is really -- is really yours for your guidance. So I always look forward to these meetings. You know, I get on
the train, and I'm excited to come down. I can't wait to talk about it. But that wasn't true this time. I was really sad. Really sad to see you go.

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

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

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

COMMISSIONER BARKOW: On future issues. Thank you.

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

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

As was previously noted, you have shown an unwavering devotion to the women and bettering their lives through -- through
education. Commissioner Friedrich has advocated tirelessly in prison -- in the prison and to the director of BOP and to department leadership. We think it's fair to say that the Department's new initiative to reform federal prison education programs is due in large parts to your efforts.

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

And together we've addressed many important issues from healthcare fraud to the theft of trade secrets. From firearms violence to implementation of the Fair Sentencing Act. Judge sentencing policy, retroactive application, and simplification. You've guided the Commission deftly and ensured that the voices of defendants, law enforcement, crime victims, and the public at large have been heard. And we
appreciate all that you've done, and for being such a strong partner over the last years.

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

(Laughter.)

COMMISSIONER MORALES: Same issue that we're discussing. So she'll walk us through the analysis and lay out her conclusion. And does it in a way that it invites conversation, challenge and it becomes a true give and take that, which as others have noted, is what makes
policy work. And also she always finds a great
pun to tie all these things together and make us
all laugh.

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

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

(Laughter.)

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

CHAIR SARIS: Thank you. Wow. It's
very sad day for me as you can see, all of us
have become very close friends as commissioners.
It's such a -- thank the President for
nominating, not just me, but everybody here. And also the Congress for confirming us. It's been a true honor. I'm pleased with the accomplishments of the last six years and grateful to all -- everybody in this room for helping.

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

To that end I'd like to acknowledge that there will be a new acting chair announced as my term ends with the conclusion of the session of Congress. I am confident that the future Commission and the Commission staff will remain dedicated and serious about the important mission. And as we all look back on 30 years of guidelines and work of the Commission, I
appreciate -- it's really my honor to serve as
the chair during this historic period. It really
was historic. I remember being asked to be chair
of the Commission -- I've never been chair of --
led an agency before. And each opportunity --
each new opportunity -- each new challenge, I was
helped by everyone here.

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

JUDGE PRYOR: I move to be adjourned.

CHAIR SARIS: Please, no one second.

(Laughter.)

CHAIR SARIS: No one seconds. Sorry.

Not going anywhere.

(Laughter.)

CHAIR SARIS: Is there a second?
(No audible response.)

(Laughter.)

CHAIR SARIS: Now what do I do?

COMMISSIONER FRIEDRICH: I'll second.

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

COMMISSIONER FRIEDRICH: Yes.

CHAIR SARIS: Just how we walked in.

And the meeting's now adjourned. Thank you very much.

(Applause.)

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