The United States Sentencing Commission met in Suite 2-500, One Columbus Circle, N.E., Washington, D.C., at 10:30 a.m., the Honorable William H. Pryor, Jr., Acting Chair, presiding.

PRESENT

WILLIAM H. PRYOR, JR., Acting Chair
RACHEL E. BARKOW, Commissioner
CHARLES R. BREYER, Commissioner
DANNY C. REEVES, Commissioner
DAVID RYBICKI, Ex Officio Commissioner

ALSO PRESENT

KENNETH P. COHEN, Staff Director
KATHLEEN C. GRILLI, General Counsel
10:32 a.m.

ACTING CHAIR PRYOR: (presiding) Good morning. I want to call this meeting to order.

Thank you for attending this public meeting of the United States Sentencing Commission. The Commission appreciates the attendance of those joining us here at the Thurgood Marshall building, as well as those watching our livestream broadcast on the Commission's website. As always, we welcome the significant public interest in the ongoing work of the Commission.

I would like to start today by introducing the other members of the Commission. First, to my immediate left, is Commissioner Rachel Barkow. Commissioner Barkow is the Segal Family Professor of Regulatory Law and Policy at the New York University School of Law and serves as the faculty director of the Center on the Administration of Criminal Law at...
the law school.

To my immediate right is Judge Charles Breyer, who is a Senior District Judge for the Northern District of California and has served as a United States District Judge since 1998.

To my far left is Judge Danny Reeves, who is a United States District Judge for the Eastern District of Kentucky and has served in that position since 2001.

David Rybicki, to my far right, joins as the Ex Officio Commissioner from the Department of Justice. Commissioner Rybicki was appointed Deputy Assistant Attorney General for the Department of Justice's Criminal Division in 2017.

Patricia Cushwa, who represents the Parole Commission as the designated Ex Officio member of the Commission, is not able to attend today's meeting.

Before we proceed with the business of the day, I would like to take a moment to comment
on Commissioner Barkow's service on the Sentencing Commission. Today's public meeting marks Commissioner Barkow's last meeting with us and caps a five-year tenure as a Commissioner.

We've worked alongside each other here since she was confirmed, since we were both confirmed by the Senate in 2013. Among our accomplishments during her tenure are the Commission’s Drugs Minus Two Amendment and its retroactivity that reduced sentences for eligible offenders by about 17 percent; the comprehensive rewrite of the Illegal Reentry guideline that has proved very popular with district judges; last year's synthetic drug amendment that responded to the urgent problem of synthetic cathinones, synthetic cannabinoids, and fentanyl; the Commission's Report to Congress on the Career Offender guideline; the series of reports on the impact of federal mandatory minimum penalties, and several research publications on recidivism, just to name a few. Her steadfast commitment to
fair sentencing and her quick ability to process sentencing data has served the Commission and the public well.

Commissioner Barkow, thank you for your service. I will miss you.

The first order of business is a vote to adopt the August 23, 2018 public meeting minutes. Is there a motion to do so?

COMMISSIONER BARKOW: So moved.

ACTING CHAIR PRYOR: Is there a second?

COMMISSIONER REEVES: Second.

ACTING CHAIR PRYOR: Is there any discussion on the motion?

(No response.)

Vote on the motion by saying aye.

(unanimous ayes)

Any nays?

The motion is adopted by a voice vote.

The next item of business is the report of the Chair. Let me start with an update
on the work of the Commission since our last public meeting in August.

Most significantly, I'd like to call your attention to our new 2018 Guidelines Manual, which incorporates guideline amendments that took effect on November 1, 2018. For judges, probation officers, members of the bar, and other practitioners who have a hard copy of the new Guidelines Manual, you may notice that this year's version bears the color crimson, the color of a certain football team in Tuscaloosa, Alabama. Roll Tide.

(Laughter.)

You will notice that for the first time there is a list and short description of each of the new amendments incorporated in the new Guidelines Manual.

In addition to being on the Commission's website, the 2018 manual is available as a web-based app that features additional tools to assist in understanding and
applying the federal sentencing guidelines.

With respect to research and publications, in September, the Commission published a report entitled, "Mandatory Minimum Penalties for Identity Theft Offenses in the Federal Criminal Justice System." This publication is the fifth in the Commission's series on the impact of mandatory minimum penalties on federal offenders. The publication examines recent trends in the charging of general identity theft and aggravated identity theft offenses.

Some of the key findings include that 1.6 percent of all federal offenders were convicted under 18 U.S.C. § 1028A, the aggravated identity theft statute that carries a mandatory consecutive two-year penalty. These offenders, however, comprised slightly more than half of all federal identity theft offenders and have more than doubled in number over the last decade.

The Commission will publish the final
report in its current series on mandatory minimum penalties in January, which will study the impact of mandatory minimum penalties on federal sex offenders.

In November, the Commission also updated its publication titled, "Federal Sentencing: The Basics." This publication is a great resource for understanding basic application of the sentencing guidelines, related federal statutes, and rules of procedure. This publication discusses the landmark passage of the Sentencing Reform Act of 1984, key Supreme Court decisions concerning the guidelines, and the sentencing process today.

The Commission will have several other reports ready for publication in early 2019. In January, the Commission will release another report in our series of reports on recidivism, this one focusing on violent offenders. Among our findings are that violent federal offenders recidivate much more often than non-violent
federal offenders, with a recidivism rate of 64 percent compared to 40 percent for non-violent offenders. Violent offenders recidivate more quickly and commit more serious offenses than non-violent offenders, and violent offenders do not age out of committing crime nearly to the degree as non-violent offenders. Over one-third, 36 percent, of violent offenders older than 50 at the time of release reoffend, more than double the rate for non-violent offenders, 15 percent.

The Commission also plans to release a report on recidivism and firearms offenders early in 2019.

The last upcoming report that I'd like to highlight is a part of our ongoing examination of the overall structure and operation of the guidelines post-Booker. As part of that examination, in November 2017, we updated the analysis of demographic differences in federal sentencing in the 2012 Booker Report. Much like the Booker Report, that updated analysis found
that sentence length continues to be associated with some demographic factors, including race.

In January, the Commission will release a report that updates the portion of the 2012 Booker Report discussing different sentencing practices among judges in the same federal district; that is, intra-district differences. For this upcoming report, we have refined our methodology to focus on judges who sit in the same city. It analyzes the sentencing practices of judges located in 30 large metropolitan areas nationwide and finds that, even within individual cities, sentencing practices vary significantly.

Before I turn to the General Counsel to advise us on possible votes to publish proposed amendments, I should note that, since March 2017, the Commission has operated with four voting Commissioners. Although only three affirmative votes are required to publish proposed amendments, which we are doing today, by
statute, four affirmative votes are required to promulgate amendments. As mentioned at the outset, Commissioner Barkow's term will come to an end when Congress adjourns sine die, as will mine.

Four nominations are currently pending in the United States Senate, including mine, to serve as a second term along with a separate nomination to serve as Chair. Therefore, unless the Senate confirms at least two Commissioners, the Commission will lose its voting quorum and not be able to vote to promulgate the proposed amendments we publish today until a voting quorum is restored.

The next item of business is a possible vote to publish in the Federal Register proposed guideline amendments and issues for public comment.

The General Counsel, Kathleen Grilli, will advise the Commission on the first possible vote concerning a proposed technical amendment.
MS. GRILLI: Thank you, Judge Pryor.

The proposed amendment makes various technical changes to the Guidelines Manual. Part A makes technical changes to reflect editorial reclassification of certain sections in the United States Code. Part B makes certain technical changes to the Commentary of §2D1.1. Part C makes technical changes to the Commentary of §§2A4.2, 2A6.1, 2B3.2, and to Appendix A. And finally, Part D makes clerical changes to various parts of the commentary in the manual.

A motion to publish the proposed technical amendment with an original comment period closing on February 19, 2019, and a reply comment period closing on March 15, 2019, would be in order at this time.

ACTING CHAIR PRYOR: Is there a motion to publish the proposed amendment as suggested by the General Counsel?

COMMISSIONER BREYER: So moved.

ACTING CHAIR PRYOR: Is there a
COMMISSIONER BARKOW: Second.

ACTING CHAIR PRYOR: Any discussion of the motion?

(No response.)

Vote on the motion by saying aye.

(unanimous ayes)

Any nays?

The motion is adopted, and let the record reflect that at least three Commissioners voted in favor of the motion to publish.

The General Counsel will now advise the Commission on a possible vote concerning a proposed amendment on §1B1.10.

MS. GRILLI: Yes. This proposed amendment contains two parts. The Commission is considering whether to promulgate either or both parts of these, as they are not mutually exclusive.

Part A of the proposed amendment is the result of the Commission's consideration of
miscellaneous amendment issues, including possible amendments to this guideline in light of Koons v. United States. Part A would revise §1B1.10 in various ways and includes three options for responding to United States v. Koons.

Part B of the proposed amendment would resolve a circuit conflict concerning application of §1B1.10, pursuant to the Commission's authority under 28 United States Code § 991(b) in Braxton v. United States. This circuit conflict has arisen concerning whether the court is permitted under §1B1.10 to reduce a sentence below the amended guideline range to reflect departures other than substantial assistance that the defendant received at his original sentencing.

The 7th and the 9th Circuits have held that, if a defendant received a substantial assistance departure, a court may reduce a defendant's sentence further below the amended guideline minimum to reflect those other
departures, in addition to substantial assistance. The 6th and 11th Circuits have held that they may not.

Part B of the proposed amendment would revise Application Note 3 of the Commentary to resolve this circuit conflict and providing two options for resolving that conflict. One, which would adopt the approach of the 6th and the 11th Circuits, the other which would adopt the approach of the 7th and the 9th Circuits.

A motion to publish the proposed amendment with an original comment period closing on February 19, a reply comment period closing on March 15, 2019, and technical and conforming amendment authority to staff, is appropriate at this time.

ACTING CHAIR PRYOR: Is there a motion to publish the proposed amendment as suggested by the General Counsel?

COMMISSIONER Reeves: So moved.

ACTING CHAIR PRYOR: Is there a
COMMISSIONER Breyer: Second.

ACTING CHAIR PRYOR: Any discussion on the motion?

(No response.)

Vote on the motion by saying aye.

(unanimous ayes)

Any nays?

The motion is adopted, and let the record reflect that at least three Commissioners voted in favor of the motion to publish.

The General Counsel will now advise the Commission on a possible vote concerning a proposed miscellaneous amendment.

MS. GRILLI: Yes. This proposed amendment contains five parts. The Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive.

Part A responds to the FDA Reauthorization Act of 2017 and amends Appendix A and the Commentary to §2N2.1 and makes a
technical correction to the Commentary of §2N1.1.

Part B responds to the FAA Reauthorization Act by amending Appendix A, §2A5.2, and the commentaries to §§2A2.4 and 2X5.2.

Part C responds to the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 by amending Appendix A, §§2G1.1 and 2G1.3.

Part D responds to a guideline application issue concerning the interaction of §§2G1.3 and 3D1.2.

And Part E revises the guidelines to address the fact that the Bureau of Prisons no longer operates a shock incarceration program, as described in §5F1.7 of the Guidelines Manual.

A motion to publish the proposed amendment with an original comment period closing on February 19, a reply comment period closing on March 15, 2019, and technical and conforming amendment authority to staff would be in order at
this time.

  ACTING CHAIR PRYOR: Is there a motion to publish the proposed amendment as suggested by the General Counsel?

  COMMISSIONER BARKOW: So moved.

  ACTING CHAIR PRYOR: Is there a second?

  COMMISSIONER BREYER: Second.

  ACTING CHAIR PRYOR: Is there any discussion on the motion?

  (No response.)

  Vote on the motion by saying aye.

  (unanimous ayes)

  Any nays?

  The motion is adopted, and let the record reflect that at least three Commissioners voted in favor of the motion to publish.

  The General Counsel will now advise the Commission on a possible vote concerning a proposed career offender amendment.

  MS. GRILLI: Yes. This proposed
amendment contains four parts, Parts A through D, and the Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive.

I'll start with Parts B through D. Parts B through D address various issues that came to the Commission's attention during the public comment period.

Part B would address the concern that certain robbery offenses such as Hobbs Act robbery no longer constitute a crime of violence under §4B1.2, as amended in 2016. Three options to address this issue are presented.

Part C would amend §4B1.2 to address certain issues regarding the commentary provision stating that the terms "crimes of violence" and "controlled substance offense" include the offenses of aiding and abetting, conspiring to commit, and attempting to commit those crimes. Again, three options are presented to resolve this issue.
And finally, Part D of the proposed amendment would amend the definition of "controlled substance defense" in §4B1.2(b) to include offenses involving an offer to sell a controlled substance and offenses described in 46 United States Code §§ 70503(a) and 70506(b).

A motion to publish Parts B through D of the Career Offender amendment with an original comment period closing on February 19th and a reply comment period closing on March 15, 2019, and technical and conforming amendment authority to staff is appropriate at this time.

COMMISSIONER BREYER: So moved.

COMMISSIONER REEVES: Second.

ACTING CHAIR PRYOR: I didn't call the motion yet.

(Laughter.)

But it has been moved and seconded. Is there any discussion on the motion?

(No response.)

Vote on the motion by saying aye.
(unanimous ayes)

Any nays?

The motion is adopted, and let the record reflect that at least three Commissioners voted in favor of the motion to publish Parts B through D of the proposed Career Offender amendment.

The General Counsel will now advise the Commission on a possible vote concerning Part A of the proposed Career Offender amendment.

MS. GRILLI: Yes. Part A of the proposed amendment would amend §4B1.2 to establish that the categorical approach and modified categorical approach do not apply in determining whether a conviction is a crime of violence or controlled substance offense. Specifically, it would provide that, in making that determination, a court shall consider any element or alternative means for meeting an element of the offense committed by the defendant as well as the conduct that formed the basis of
Part A would also allow courts to look at sources from the judicial record beyond the statute of conviction in determining the conduct that formed the basis of the conviction, and would make similar revision to §2L1.2 as well as additional conforming changes to the guidelines that use the terms "crime of violence" and "controlled substance offense."

A motion to publish Part A of the Career Offender amendment with an original comment period closing on February 19, 2019, and a reply comment period closing on March 15, 2019, technical and conforming amendment authority to staff would be in order at this time.

ACTING CHAIR PRYOR: Is there a motion to publish Part A of the proposed amendment as suggested by the General Counsel?

COMMISSIONER REEVES: So moved.

ACTING CHAIR PRYOR: Second?

COMMISSIONER BREYER: Second.
ACTING CHAIR PRYOR: Any discussion?

(No response.)

Hearing no discussion, will the General Counsel please call the roll?

MS. GRILLI: Yes.

Commissioner Barkow?

COMMISSIONER BARKOW: I vote no on this for the reasons that I gave at our prior meeting.

MS. GRILLI: Judge Breyer?

COMMISSIONER BREYER: Aye.

MS. GRILLI: Judge Reeves?

COMMISSIONER REEVES: Aye.

MS. GRILLI: Judge Pryor?

ACTING CHAIR PRYOR: Aye.

The motion is adopted. Let the record reflect that at least three Commissioners voted in favor of the motion to publish Part A of the proposed Career Offender amendment.

Is there any further discussion before the Commission?
COMMISSIONER RYBICKI: I'd like to make a comment, Judge Pryor.

ACTING CHAIR PRYOR: Okay.

COMMISSIONER RYBICKI: Thank you, Judge Pryor.

On behalf of the Department of Justice, I'd like to thank the Commission for taking up the Department's top priority for this amendment cycle; namely, the categorical approach. As the Department explained at length in its annual report to the Commission, the categorical approach often results in arbitrary, inconsistent, and unjust sentencing outcomes. The approach has severely impaired the proper functioning of sentencing enhancements under the Armed Career Criminal Act, the Career Offender guideline, and §2K2.1.

We appreciate that the draft amendment language for public comment, which you voted on today, addresses many of the problems created by the categorical approach, which we highlighted to
you in our report. Here's just a few of those problems:

First, state robbery offenses often do not qualify as crimes of violence at all. So, in the 9th Circuit, neither California nor Nevada state robbery is a crime of violence, even when, as in one case, the defendant put a gun to the victim's head and shot a second victim. This is a problem in other federal circuits as well.

Second, unbelievably enough, conspiracy to commit murder and aid of racketeering under 19 U.S.C. § 1959 is not a crime of violence in some federal circuits.

And third, as has been mentioned, Hobbs Act robbery does not constitute a crime of violence in the 10th Circuit.

Today's draft amendment suggests making additional documents available to federal judges when they determine whether a previous conviction constitutes a crime of violence. The draft amendments also simplify the procedure for
inchoate offenses.

And finally, the Commission has invited comment on the threshold issue, as to whether Part A of the proposed amendment is consistent with Commission authority under 28 U.S.C. § 994. The Department does not think this is a particularly close question and will further explain our reasoning in a letter in response to the proposed amendments.

We think these amendments represent a positive first step in resolving the systemic problems created by the categorical approach. However, while the Department commends the Commission for the guideline amendment language under consideration today, we are disappointed that the Commission is not publishing language that more forcefully suggests that courts should consider the actual conduct of defendants in determining whether a prior conviction for purposes of the advisory guideline calculation is, in fact, a violent crime.
Allowing judges to consider the facts of a previous conviction will help to ensure that violent conduct is not overlooked and that recidivist defendants receive sentences sufficient to protect the public.

Publishing amendment language that allows courts to consider actual conduct would have given future Commissioners the benefit of thoughtful submissions from law professors, defenders, victims' groups, and other stakeholders on this important issue. We are disappointed that the Commission chose not to follow this course.

Many federal courts have noted the absurd results that the categorical approach has produced. Just last month, Judge Jerry Smith, writing for the en banc 5th Circuit in a decision involving a defendant who beat the victim to death with a baseball bat, said, quote, "It is time for this Court to take a mulligan on crimes of violence. The well-intentioned experiment
that launched 15 years ago has crashed and burned. By requiring sentencing courts and this Court to ignore the specifics of prior convictions well beyond what the categorical approach and Supreme Court precedent instruct, our jurisprudence has proven unworkable and unwise. By employing the term 'crime of violence,' Congress and the U.S. Sentencing Commission obviously meant to implement a policy penalizing felons for past crimes that are, by any reasonable reckoning, violent; hence, the term." Unquote.

The Department of Justice sincerely hopes that, when the Commission regains its quorum next year, it promulgates amendments that allow federal courts to consider conduct at sentencing. The Commission has a statutory duty to ensure that federal sentencing accurately reflects the seriousness of offenses committed by criminal defendants. And in the Department's view, the Commission cannot satisfy this duty by
leaving unaddressed the serious and unjust inconsistencies that the categorical approach creates.

Acting Chair Pryor, I thank you, and I look forward to working with the Commission on behalf of the Department in the new year.

ACTING CHAIR PRYOR: Commissioner Barkow?

COMMISSIONER BARKOW: Yes. I just wanted to say a few words, since this is my last official hearing here.

First, I'd like to thank you, Chair Pryor, and prior Chair Saris, and my fellow Commissioners, current and past, as well as the amazing staff here at the Commission, for making my time really a wonderful experience. The people here work really hard. They're the best public servants you can imagine, and it's really been a joy to work with everyone. So, I want to thank you.

I also want to say how grateful I am
to the various stakeholders and citizens who take
the time to comment on our proposals, offer us
priorities that we should consider, keep us
informed about what's happening on the ground.
There are many committed advocates out there, and
I've been really thankful to have your input over
the years. It's been tremendously helpful to me
as we have considered our proposals.

I am proud of what the Commission has
accomplished, almost always with unanimous and
bipartisan agreement, in my time here, which I
think is too infrequently happening in other
parts of government. But I do believe it happens
here uniquely because we focus on facts and data,
and then, we let them guide us to the right policy
outcomes that are consistent with the law.

And I should add that I do believe
that we could achieve even better results, that
would be better for public safety and more
proportional sentences, if some of those laws
were changed. But, within the bounds of what we
are authorized to do here at the Commission, I think we've passed many amendments in my time here that have improved sentencing.

And I won't catalog them all, but the highlight for me that I do want to mention was our vote on Drugs Minus Two and, in particular, making it retroactive as well. It allowed more than 31,000 people to obtain more proportionate sentences, it saved prison resources, and it did not compromise public safety.

I should just add, I will never forget the public hearing we had on retroactivity. That hearing was more crowded than this one, way more crowded than this one. And there were a lot of family members there that day who knew what the decision could mean for them. And I remember vividly many tearful, happy tearful responses, when we voted to make that amendment retroactive. And for me, it put a personal face on the very important work that this Commission does every day, and it vividly demonstrated why proportional
sentencing has to be at the core of everything that the Commission does.

So, I am grateful to President Obama for giving me the opportunity to serve on the Commission. It may not be the dream government job of many to serve on the Sentencing Commission, but it was mine, and it was even more wonderful than I hoped it would be. So, I want to thank everyone for being such wonderful colleagues in my time here.

ACTING CHAIR PRYOR: Thank you.

Judge Breyer?

COMMISSIONER BREYER: Yes. This is, of course, a bittersweet time for me because we are losing two Commissioners, one I trust temporarily and one a little bit longer than temporarily.

So, let me address Commissioner Barkow's tenure while I've served with her. And, you know, I was thinking of what can I say about her, and then, I thought, you know, listening to
what you said today is like the best evidence of
what kind of Commissioner she was. Her
priorities, her goals, her thoughtfulness, her
experience, she brought to bear on everything
that we did from the technical and miscellaneous
amendments to the far more substantive amendments
and far-reaching proposals that were enacted by
the Commission.

Her attitude towards these matters was
never ideological. It was always, what does the
evidence show? What are the facts? What has
been our experience? Indeed, it is the
experience and the facts that ought to guide us
through sentencing policies and sentencing
changes.

People can be very farsighted about
what is the perfect world, what is the ideal world
of sentencing? I've said, and I've done it now
more than 50 years, I can't tell you what the
right sentence is; I have a better idea of what
the wrong sentence is, and that's all been borne
out by experience.

And what Commissioner Barkow has done is always bring us back to the point of “what do the facts show?” While we are going out of business as a quorum, we are very much remaining in business in terms of gathering the facts, gathering the evidence.

The staff of the Sentencing Commission does a number of really wonderful things in the discharge of their obligation to Congress and to the public. One of which is, I think the most significant, the gathering of information, the digesting of information, the understanding of the information, and seeing what conclusions that information, which is all the experience of the sentencings, every year of thousands upon thousands of federal sentences, what does it all show. In our Commission meetings, Commissioner Barkow has always looked at “what does the evidence show?”

It has been a pleasure, Rachel,
working with you. You are my counsel, and you will continue to be so in the years to come, because I know that your interest in sentencing remains just as firm and just as much of a guiding light to your life, whether you are on the Commission or not. So, I want to thank you personally for all that you have given to this Commission, and I think will give over the years.

As to you, our Acting Chair, now it puts me in somewhat of a ticklish position because, as an appointment filling a slot of a Democrat on this Commission -- it is a bipartisan Commission, not a nonpartisan Commission, it's bipartisan by statute -- it is hard to say whether, if I urge the United States Senate to confirm Chair Pryor as the next permanent Chair, whether that will help him or hurt him.

(Laughter.)

And so, I'll simply say that what he has brought to the Commission, in my experience, as he serves as Acting Chair and formerly as a
member, is a strong desire to work together and
to seek an accommodation. Understanding that the
perfect is the enemy of the good, he has
tirelessly tried to achieve some consensus on the
proposals that we put forward. That's a noble
task. Sometimes it works; sometimes it doesn't.
But he has never ceased in his efforts to bring
about some workable consensus.

It has been a pleasure working with
him. He has always been polite. He has always
been deferential. He's always focused on the
right issues. He has brought a sense of intellect
and commitment and effort to achieve a workable
solution to the problems that we confront.

You know, it's rather remarkable. In
this lame duck session, every now and
then -- judges I know are not supposed to look at
the politics of what's going on, but, as somebody
famously remarked, even the Supreme Court looks
at election results, and judges do too. And so,
we do look out and we do see that right now is
pending before the Senate and before the Congress
a bill for criminal justice reform.

All I would say about that is, if it
does pass, it is testimony to the fact that, No. 1, there can be a bipartisan solution to a
problem, and, No. 2, it is a very, very high priority of the public. It's not just people who
are confined in prison, but's also for the protection of the public, we must engage in
criminal justice reform. It's essential that it change and reflect the circumstances that
surround each of us in carrying out our responsibilities.

So, I would say that it is my hope that the Senate will act on nominees for this Commission. It's important that we continue with our work. It serves the public and, in fact, if legislation is enacted, it will become even more crucial that the Commission be given a quorum in order to try to implement the will of Congress, as demonstrated by any statute that's enacted.
So, I hope that you will continue. I hope the next time we meet it will be in your capacity as Chair of the Commission. I am confident -- confident -- that a Commission under the Chair of Judge Pryor will be productive, will reach accommodations on any number of things. And I hope, I sincerely hope, that it will bring about some proposals with respect to simplification of the Guidelines which will enable judges, basically our audience, the people that we serve, it will enable these judges to carry out their responsibilities, their sentencing responsibilities, which are the most difficult responsibilities for district court judges.

So, thank you.

And to Rachel, bon voyage. I have your telephone number. I guess we have to say now I have your email.

And to Judge Pryor, I hope that it will be soon that you'll be returning to the
Thank you.

ACTING CHAIR PRYOR: Thank you. Thank you for those very kind words, Judge Breyer. It's been a great pleasure working with you as well. And I, too, hope to be able to return to working with you.

Your remarks reminded me of a conversation I had with a man who served as the Attorney General of Alabama before I assumed that office. And he called me when I became the Attorney General of Alabama and said, "Bill, let me know whether you would need me to be for ya or agin ya, whichever will help you the most."

(Laughter.)

And I want to thank again Commissioner Barkow for her service to the Commission.

I also want to thank publicly, and express my personal appreciation, for the important service and contributions made by members of the Commission's Victims Advisory Commission.
Group, who are departing us. The distinguished departing members include the Chair of the Victims Advisory Group, T. Michael Andrews; Elizabeth Cronin; Kimberley Garth-James; Keli Luther; James Marsh; and Virginia Swisher.

Similarly, I would like to acknowledge and praise the service and work of Ronald Levine, whose term as Chair of the Commission's Practitioners Advisory Group, has expired, and the other members who are departing us: James Boren, Pamela Mackey, Gordon Armstrong, and Steve Nolder.

Finally, I would like to thank Wendy Bremner, a member of the Tribal Issues Advisory Group, for her service.

Is there any further business of the Commission?

(No response.)

Hearing none, is there a motion to adjourn?

COMMISSIONER REEVES: So moved.
ACTING CHAIR PRYOR: Is there a second?

COMMISSIONER BARKOW: Second.

ACTING CHAIR PRYOR: Vote on the motion by saying aye.

(unanimous ayes)

All in favor?

Anyone opposed?

All right. The motion is adopted by a voice vote, and the meeting is adjourned. Thank you for joining us today, and, pending further action in the Senate, I hope that I will see you again soon.

(Laughter.)

(Whereupon, at 11:09 a.m., the meeting was adjourned.)