

UNITED STATES SENTENCING COMMISSION

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PUBLIC MEETING

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WEDNESDAY
APRIL 17, 2024

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The United States Sentencing Commission met in Suite 2-500, One Columbus Circle, N.E., Washington, D.C., at 1:30 p.m. EDT, the Honorable Carlton W. Reeves, Chair, presiding.

PRESENT

CARLTON W. REEVES, Chair
LAURA E. MATE, Vice Chair
CLAIRE MURRAY, Vice Chair
JOHN GLEESON, Commissioner
CANDICE C. WONG, Commissioner
JONATHAN J. WROBLEWSKI, Ex Officio Member

VIA TELECONFERENCE

LUIS FELIPE RESTREPO, Vice Chair
CLARA HORN BOOM, Commissioner

ALSO PRESENT

KATHLEEN C. GRILLI, General Counsel
KENNETH P. COHEN, Staff Director

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

(1:30 p.m.)

CHAIR REEVES: The meeting is called to order. Good afternoon. I welcome you all to this public meeting of the United States Sentencing Commission. I'm the Chair of the Commission, Carlton W. Reeves, and I thank each of you for joining us, whether you're in this room with us or attending via livestream.

I have the honor, ladies and gentlemen, of opening this meeting with my fellow Commissioners. To my right, we have Vice Chair Claire Murray and Commissioner John Gleeson. To my left, we have Vice Chair Laura Mate and Commissioner Candice Wong. We also have with us our Ex Officio Commissioner, Jonathan Wroblewski.

Joining us remotely are Vice Chairs -- Vice Chair, excuse me, Luis Felipe Restrepo and Commissioner Claria Horn Boom.

As you are aware, this meeting was rescheduled, and while all the commissioners have worked tirelessly with us earlier this week, our

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two friends had to return to other commitments. And I thank each of them, Judge Restrepo and Judge Boom, for being here present virtually.

So, the first order of business is a vote to adopt the December 14th, 2023, Public Meeting Minutes. Is there a motion to do so?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MURRAY: Second.

CHAIR REEVES: Is there any discussion on the motion?

Hearing none, vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Oh, thank you. Thank you, Judge Boom. Any nays?

All right. The motion is adopted by voice vote of a majority of the members.

The next item of business is the Report of the Chair. Today's meeting marks the end of our second policymaking cycle at the Commission. Let me be clear, when I say the

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Commission, I'm talking about all of us at the Commission, not just the Commissioners. We are an agency of over 100 people, some of whom are in this room, but many of whom cannot fit in this room.

No matter where they are working right now, each member of our team played an essential role in crafting the policies we are about to vote on. Whatever we do today, our staff should be proud knowing that our work is truly their work. The policies we are voting on today are informed by a tremendous amount of input from individuals, stakeholders, communities across the country, and all those concerned with our criminal justice system.

We held deeply informative workshops and public hearings that were supplemented by extensive written testimony. We also received thousands of public comments. Much of this input is available to watch on our website, www.ussc.gov.

Ladies and gentlemen, I encourage you

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to go to our website. There is a treasure trove of information there. Given the effort, time, and thoughtfulness that many placed into their comments, I am compelled to repeat what I've said many, many times. When you speak to the Commission, you will be heard.

Today, we will be voting on a range of amendments to the sentencing guidelines. There is no need for me to comment on them, as this set of policies speaks for itself. But in the proposals we adopted, the proposals we modified, and the proposals we are studying further, there is a common message. To those who have spoken to the Commission, you have been heard.

What is important for the public to know is where these amendments come from. They are the product of a bipartisan slate of Commissioners working together as hard as we can to achieve consensus. The votes we are about to cast reflect a deep commitment from every single one of us to listen, to compromise, and to do the right thing.

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To my fellow Commissioners, let me say this. There are no better people with whom to do this work. I cannot be more honored to be serving with and among you.

Today focuses on amendments to the sentencing guidelines, but those amendments are just a small slice of what the Commission has done this amendment cycle. Chief among that work has been our gathering and publicizing knowledge about alternatives to incarceration.

To see the fruits of our labor -- excuse me, to see the fruits of our labor, just type "United States Sentencing Commission problem solving courts" into your search engine of choice. You will find a webpage providing an unparalleled collection of information on court-sponsored programs relating to diversion, alternatives to incarceration, and reentry. That resource is as important as any amendment we will be voting on today.

I'm so grateful to the judges, court staff, Commission staff, and Commissioners who

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worked tirelessly to put this together.

To my judicial colleagues out there, whose courts might not be reflected on those graphs, on those charts, I encourage you and your courts to adopt something, to reach out, to do something that's best for your district, but to do something.

Before we vote, I want to send a very clear and very important message. After today, we will begin on our third policy cycle -- excuse me, policymaking cycle. There is no better time to speak to the Commission. We need your help in deciding what research needs to be conducted, what guidelines need to be amended, what problems need to be fixed. Whether you're in the halls of Congress or in a prison cell block, we need your wisdom, your knowledge about what work the Commission should prioritize over the next year.

As we issue our calls for input over the coming months, please answer them. And I urge those who care about keeping that word "justice" in our criminal justice system to do

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the same. We need your thoughts. We need your comments. We need your input. We need to hear from you.

With that, I will turn to the next item of business, which is a possible vote to promulgate promote -- proposed amendments. The General Counsel Kathleen Grilli will advise the Commission on the first possible vote concerning a proposed amendment of the rule for calculating loss.

MS. GRILLI: Thank you, Judge Reeves.

The proposed amendment on the rule for calculating loss would address the decision in United States v Banks, 55 F.4th 246 (3d Cir. 2022), from the Third Circuit regarding the validity and enforceability of Application Note 3(A) of the Commentary to §2B1.1 (Theft, Property Destruction, and Fraud) to ensure consistent loss calculation across circuits.

The proposed amendment would create Notes to the loss table in §2B1.1(b)(1) and move the general rule establishing loss as the greater

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of actual or intended loss from the commentary to the guideline itself as part of the Notes.

The proposed amendment would also move the rule providing for gain as an alternative measure of loss, as well as definitions of "actual loss," "intended loss," "pecuniary harm," and "reasonably foreseeable pecuniary harm" from the commentary to the Notes.

In addition, the proposed amendment would make corresponding changes to the Commentary to §§2B2.3 (Trespass), 2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right; Fraud Involving the Deprivation of the Intangible Right to Honest Services of Public Officials; Conspiracy to Defraud by Interference with Governmental Functions), and 8A1.2 (Application Instructions - Organizations), which calculate loss by reference to the Commentary to §2B1.1.

A motion to promulgate the proposed amendment with an effective date of November 1, 2024, and with technical and conforming amendment

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authority to staff is appropriate at this time.

VICE CHAIR MURRAY: So moved.

(Laughter.)

COMMISSIONER GLEESON: Second.

(Laughter.)

CHAIR REEVES: There's been a motion.

There has been a second. Is there any discussion on the motion?

I don't think so. So, let's vote on this motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

The motion is adopted, and let the record reflect that at least four commissioners voted in favor of the motion. The General Counsel, Ms. Kathleen Grilli, will advise the Commission on a possible vote concerning a proposed amendment on the youthful individuals.

MS. GRILLI: The proposed amendment on youthful individuals would amend the first sentence in §5H1.1 (Age (Policy Statement)) to provide that age may be relevant in determining

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whether a departure is warranted. It would also add language specifically providing for a downward departure for cases in which the defendant was youthful at the time of the offense and sets forth considerations for the courts relating to youthful individuals that are informed by the Commission's research.

A motion to promulgate the proposed amendment with an effective date of November 1st, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment, as suggested by our General Counsel?

VICE CHAIR MATE: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER WONG: Second.

CHAIR REEVES: Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

The motion is adopted, and let the

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record reflect that at least four commissioners voted in favor of the motion. The General Counsel Kathleen Grilli will advise the Commission on a possible vote concerning a proposed amendment on acquitted conduct.

MS. GRILLI: The proposed amendment on acquitted conduct would amend the Guidelines Manual to address the use of acquitted conduct for purposes of determining a sentence. It would provide that relevant conduct does not include conduct for which a defendant was criminally charged and acquitted in federal court, unless such conduct also establishes, in whole or in part, the instant offense of conviction.

It would also add Application Note 10 to the Commentary of §1B1.3 (Relevant Conduct (Factors that Determine the Guideline Range)), which would note that there may be instances in which conduct underlies both an acquitted charge and an instant offense of conviction. In those cases, the court is in the best position to determine whether such overlapping conduct

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establishes, in whole or in part, the instant offense of conviction and therefore qualifies as relevant conduct.

The amendment would also amend the Commentary to §6A1.3 (Resolution of Disputed Factors (Policy Statement)) to make conforming revisions addressing the use of acquitted content for purposes of determining the guideline range.

A motion to promulgate the proposed amendment with an effective date of November 1st, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment, as suggested by the General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: Is there any discussion on this motion?

Yes.

VICE CHAIR MURRAY: Thank you, Chair

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Reeves. I -- I'll just jump in very briefly, just to make clear something that's probably already clear already, which is that today's amendment precludes consideration of acquitted conduct in the context of calculating the guidelines. Obviously, when you're -- when a court is applying the 18 U.S.C. § 3553(a) factors and imposing a sentence, they are governed by federal statute 18 U.S.C. § 3661, which provides that the full range of conduct, including acquitted conduct, may be considered as appropriate. Thank you.

CHAIR REEVES: Any further discussion?

Is there a vote on the motion -- let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

Hearing none, the motion is adopted, and let the record reflect that at least four Commissioners voted in favor of the motion. The General Counsel, Kathleen Grilli, will advise the Commission on a possible vote concerning a

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proposed amendment on circuit conflicts.

MS. GRILLI: This proposed amendment addresses certain circuit conflicts involving §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) and §2K2.4 (Use of Firearm, Armor-Piercing Ammunition, or Explosive During or in Relation to Certain Crimes). The proposed amendment contains two parts, Part A and Part B.

Part A of the proposed amendment would amend §2K2.1(b)(4) to address the circuit conflict regarding whether a serial number must be illegible in order to apply the four-level enhancement at §2K2.1(b)(4)(B)(i) for a firearm that had an altered or obliterated serial number.

Part A adopts an approach similar to the approach of the Second and Sixth Circuits. It would amend that enhancement to provide that the four-level enhancement applies if any firearm had a serial number that was modified, such that the original information is rendered illegible or

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unrecognizable to the unaided eye. Part A of the proposed amendment would also make changes to application note 8 of the commentary to §2K2.1.

Part B of the proposed amendment addresses the circuit conflict regarding whether §3D1.2(c) (Grouping of Closely Related Counts) permits grouping of a firearm count under 18 U.S.C. § 922(g) with a drug trafficking count, where the defendant also has a separate count under 18 U.S.C. § 924(c) based on the drug trafficking count. Part B generally follows the Sixth, Eighth and Eleventh Circuits' approaches, and would amend the Commentary to §2K2.4 to restate the grouping rule in §3D1.2(c) and provide an example stating that in accordance with that section, in a case in which the defendant is convicted in a felony possession count, a drug trafficking count underlying the conviction under 18 U.S.C. § 924(c), such counts shall be grouped.

A motion to promulgate the proposed amendment with an effective date of November 1st,

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2024, and with technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment as suggested by the General Counsel?

COMMISSIONER WONG: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER GLEESON: Second.

CHAIR REEVES: Is there any discussion on this motion?

Let's vote on this motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

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

The General Counsel, Ms. Kathleen Grilli, will advise the Commission on a possible vote concerning a proposed miscellaneous amendment.

MS. GRILLI: The proposed

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miscellaneous amendment contains five parts, parts A through E.

Part A responds to the Export Control Reform Act of 2018 enacted as part of the John McCain National Defense Authorization Act for Fiscal Year 2019. Part A would amend Appendix A (Statutory Index) and the commentary to §2M5.1 (Evasion of Export Controls; Financial Transactions with Countries Supporting International Terrorism) to reflect the new United States Code section numbers relating to export controls for national security and foreign policy. Additionally, part A would make technical changes to the Commentary to §2M5.1.

Part B would amend the specific offense characteristic at §2S1.3(b)(2)(B) (Structuring) to reflect the additional enhanced penalty factor under 31 U.S.C. §§ 5322(b), 5324(d) and 5336. Specifically, it would revise the two-level enhancement at §2S1.3(b)(2)(B) to also apply if the defendant committed the offence while violating another law of United States.

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Part C of the proposed amendment would amend Appendix A and the Commentary to §2R1.1 (Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors) to replace the reference to 15 U.S.C. § 3(b) with a reference to 15 U.S.C. § 3(a). In addition, it would make technical changes to the Commentary to §2R1.1.

Part D responds to concerns that it is not clear whether the enhanced base offense levels at §2D1.1(a)(1) through (a)(4) (Drug Trafficking) apply only when a defendant was convicted under the enhanced penalty provisions of 21 U.S.C. § 841 or § 960. Part D of the proposed amendment would amend §2D1.1(a)(1) through (4) to provide that the base offense levels in those provisions apply if the defendant was convicted of an offense under sections 841 or 960, to which the applicable enhanced penalty applies, or if the parties stipulate to the applicable offense described in those provisions for purposes of calculating the guideline range, or stipulate to any such base offense level. In

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addition, Part D of the proposed amendment would make changes to the Commentary to §2D1.1 to add an Application Note explaining the applicable statutory provisions and enhanced penalties.

Finally, Part E of the proposed amendment would amend §4C1.1(b)(2) (Adjustment for Certain Zero-Point Offenders) to expand the definition of sex offense of §4C1.1(b)(2) to cover all offenses described in the listed provisions instead of only offenses perpetrated against minors.

A motion to promulgate the proposed amendment with an effective date of November 1st, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment, as suggested by our General Counsel?

VICE CHAIR MURRAY: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER WONG: Second.

CHAIR REEVES: Is there any discussion

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on the motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

Hearing no nays, the motion is adopted, and let the record reflect that at least four Commissioners voted in favor of the motion.

The General Counsel, Ms. Kathleen Grilli, will advise the Commission on a possible vote concerning a proposed technical amendment.

MS. GRILLI: The technical amendment would make technical and other non-substantive changes to the Guideline Manual, and it contains two parts. Part A of the proposed amendment would make technical changes to §4C1.1 to divide subsection (a)(10) into two separate provisions clarifying the Commission's intention that a defendant is ineligible for the adjustment if the defendant meets either of the disqualifying conditions currently listed in that provision. Part A would also make conforming changes related

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to §4C1.1 by adding necessary references to various other guidelines and commentaries that refer to the order in which chapters of the Guidelines Manual should be applied.

Part B of the proposed amendment would make technical and clerical changes to various other provisions in the Guidelines Manual to add headings to some application notes, provide stylistic consistency, and correct typographical errors.

A motion to promulgate the proposed technical amendment with an effective date of November 1st, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to promulgate the proposed amendment, as suggested by our General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MURRAY: Second.

CHAIR REEVES: Is there any discussion

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on this motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

Hearing no nays, the motion is adopted. And let the record reflect that at least four Commissioners voted in favor of the motion.

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: The acquitted conduct amendment that you just promulgated may have the effect of lowering the term of imprisonment recommended in the guidelines for some previously sentenced individuals.

In light of that, I ask whether there's a motion pursuant to Rule 2.2 of the Commission's Rules of Practice and Procedure to instruct staff to prepare a retroactivity impact analysis for the acquitted conduct amendment.

CHAIR REEVES: Is there a motion to

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instruct staff to prepare retroactivity impact analysis, as suggested by the General Counsel?

VICE CHAIR MATE: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER GLEESON: Second.

CHAIR REEVES: Is there any discussion of the motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

VICE CHAIR MURRAY: Nay.

COMMISSIONER BOOM: Nay.

COMMISSIONER WONG: Nay.

CHAIR REEVES: Okay. The motion is adopted, and let the record reflect that at least four Commissioners voted in favor of the motion.

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: The next item of business is a possible vote to publish in the Federal

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Register an issue for comment on whether to make the acquitted conduct amendment retroactive.

A motion to publish with an original public comment period closing on June 21st, 2024, and a reply comment period closing on July 22nd, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to publish the issue for comment as suggested by the General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: Is there any discussion on the motion?

Let's all vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

VICE CHAIR MURRAY: Nay.

COMMISSIONER BOOM: Nay.

COMMISSIONER WONG: Nay.

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

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: Part A of the circuit conflict amendment addressing firearms with altered or obliterated serial numbers that you just promulgated may have the effect of lowering the term of imprisonment recommended in the guidelines for some previously sentenced individuals.

In light of that, is there a motion pursuant to Rule 2.2 of the Commission's Rules of Practice and Procedure to instruct staff to prepare a retroactivity impact analysis for Part A of the circuit conflict amendment?

CHAIR REEVES: Is there a motion to instruct staff to prepare a retroactivity impact analysis, as suggested by the General Counsel?

VICE CHAIR MATE: So moved.

CHAIR REEVES: Is there a second?

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COMMISSIONER GLEESON: Second.

CHAIR REEVES: Is there any discussion on the motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

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

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: Part B of the circuit conflict amendment relating to grouping may also have the effect of lowering the term of imprisonment in the guidelines for some previously sentenced individuals.

In light of that, is there a motion pursuant to Rule 2.2 of the Commission's Rules of Practice and Procedure to instruct staff to prepare a retroactivity impact analysis for Part B of the circuit conflict amendment?

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CHAIR REEVES: Is there a motion to publish the issue for comment as suggested by the General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: Is there any discussion on this motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

Hearing no nays, the motion is adopted. And let the record reflect that at least three commissioners voted in favor of the motion.

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: My apologies, Judge, because I skipped - I skipped over something. I believe there were four votes - there were four votes on the retroactivity impact analysis for

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Part B of the circuit conflict amendment. I skipped over the publication of an issue for comment on Part A, my apologies to you.

CHAIR REEVES: No problem.

MS. GRILLI: So the next question before you is whether - an issue for comment on whether to make Part A of the circuit conflict amendment retroactive. So, a motion to publish with an original comment period closing on June 21st, 2024, and a reply comment period closing on July 22nd, 2024, and technical and conforming amendment authority to staff is appropriate at this time. Is there a motion to publish -

CHAIR REEVES: Okay. Is there - Is there a motion to publish as instructed or advised by our dear General Counsel -

MS. GRILLI: Sorry, Judge.

CHAIR REEVES: No, no, that's fine. Is there a motion?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

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CHAIR REEVES: Is there any discussion on this motion?

VICE CHAIR MURRAY: Part A is firearms, is that right?

MS. GRILLI: Firearms obliterated and altered serial number, that's Part A.

CHAIR REEVES: Right. Is there - Is there any discussion?

All right. Let's vote on this motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: I'm not supposed to be voting first.

Any nays?

VICE CHAIR MURRAY: Nay.

COMMISSIONER BOOM: Nay.

COMMISSIONER WONG: Nay.

CHAIR REEVES: The motion is adopted, and let the record reflect that at least three commissioners have voted in favor of the motion.

Now turning to our General Counsel for

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our next order of business.

MS. GRILLI: It would be the possible vote on the issue for comment in the Federal Register on whether to make Part B of the circuit conflict amendment retroactive.

So, a motion to publish with an original public comment period closing on June 21st, 2024, and a reply comment period closing on July 22nd, 2024, and technical and conforming amendment authority to staff is appropriate at this time.

CHAIR REEVES: Is there a motion to publish the issue for comment, as suggested by the General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: Is there any discussion on the motion?

Let's vote on the motion by saying aye.

(Chorus of aye.)

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CHAIR REEVES: Any nays?

Okay. Hearing no nays, the motion is adopted. And let the record reflect that at least three Commissioners voted in favor of the motion.

Our General Counsel will now advise us on the next item of business.

MS. GRILLI: The next item of business is in reference to Part D of the miscellaneous amendment, which addresses the base offense levels at §2D1.1(a)(1) through (a)(4). That amendment may also have the effect of lowering the term of imprisonment recommended in the guideline for some previously sentenced individuals.

In light of that, is there a motion pursuant to Rule 2.2 of the Commission's Rules of Practice and Procedure to instruct staff to prepare a retroactivity impact analysis for Part D of the miscellaneous amendment?

CHAIR REEVES: Is there a motion to -- to follow the instructions of our General

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Counsel? Is there a motion?

VICE CHAIR MATE: So moved.

CHAIR REEVES: All right. Is there a second?

COMMISSIONER GLEESON: Second.

CHAIR REEVES: It's been moved and properly second. Now let's vote on the motion. Let's vote on the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays?

Sounds like all ayes, no nays. The motion is adopted, and let the record reflect that at least four Commissioners voted in favor of the motion.

I now turn to the General Counsel, who will now advise us on the next item of business.

MS. GRILLI: Next item is a possible vote to publish in the Federal Register an issue for comment on whether to make Part D of the miscellaneous amendment retroactive, a motion to publish with an original comment period closing on June 21st, 2024, and a reply comment period

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closing on July 22nd, 2024, and technical informing amendment authority to staff is in order at this time.

CHAIR REEVES: Is there -- is there a motion to instruct staff -- excuse me --

MS. GRILLI: Publish.

CHAIR REEVES: -- to publish -- to follow the instructions of our General Counsel?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

VICE CHAIR MATE: Second.

CHAIR REEVES: All right. All in -- any discussion on that motion? All in favor of the motion by -- you vote in favor the motion by saying aye.

(Chorus of aye.)

CHAIR REEVES: Any nays on this motion?

Hearing no nays, this motion is adopted, with at least three Commissioners voting in favor. I turn to our General Counsel for advice on the next item of business.

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MS. GRILLI: There are no further items that I have to bring to you, Judge.

CHAIR REEVES: All right. Is there any other business before the Commission?

Before I take a motion to adjourn, again I want to thank the public for tuning in. I want to give a hat tip again to the staff, to the people who've worked so diligently for us and with us during this cycle. And I thank my colleagues here for doing what we have to do to make sure that we continue to stress justice in our criminal justice system. And to make sure that we do what we can do to make our system more fair, more just. I thank each of you again for tuning in.

And finally, to my judicial colleagues, again, please pay attention to our website. Make sure we hear from you. Make sure we hear from the public. Ladies and gentlemen, thank you so very much for the support that you've given this Commission.

Is -- so now I turn to a motion to

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adjourn. Is -- do I hear motion?

COMMISSIONER GLEESON: So moved.

CHAIR REEVES: Is there a second?

COMMISSIONER WONG: Second.

CHAIR REEVES: All right. Let's vote on that motion. All in favor, say aye.

(Chorus of aye.)

CHAIR REEVES: Oh. The waved hand, the raised hand. Okay, so the motion is adopted by voice vote.

Thank you, Judge Restrepo and Judge Boom, for being with us. Thank you, ladies and gentlemen.

That motion has passed unanimously. The meeting is now adjourned.

(Whereupon, the above entitled matter went off the record at 2:04 p.m.)

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