

Amendment to the Rules of Practice and Procedure (Preliminary)

November 13, 2026

This document contains the amendment to the Commission's Rules of Practice and Procedure in the unofficial, "reader-friendly" form in which it was made available at the Commission's public meeting on November 13, 2026. As with all amendments that the Commission has voted to promulgate, authority to make technical and conforming changes may be exercised and motions to reconsider may be made. The official text of the revised Rules of Practice and Procedure will be posted on the Commission's website at www.ussc.gov.

AMENDMENT

1. RULES OF PRACTICE AND PROCEDURE

PROPOSED AMENDMENT: RULES OF PRACTICE AND PROCEDURE

Synopsis of Proposed Amendment: As part of the Commission's review of its Rules of Practice and Procedure, this proposed amendment would amend Rule 3.1 (Meetings) to provide that the Chair shall invite a representative designated by the Committee on Criminal Law of the Judicial Conference of the United States and a representative designated by the Sentencing Guidelines Committee for the Federal Public and Community Defenders to participate in all nonpublic Commission meetings at which Commission staff is present. The representatives of such institutions would have access to the same materials provided to commissioners in preparation for meetings. The proposed amendment would also amend Rule 3.1 to provide that the Chair shall exclude designated representatives from portions of meetings, and withhold from them meeting materials, relating to (1) confidential or sensitive matters involving any of the following: pending litigation involving the Commission, ethics rules and standards, budgetary allocations or appropriations, personnel and staffing matters, and procurement and contract actions; or (2) a rare and unusual matter the Chair has determined requires the utmost confidentiality and warrants discussion exclusively among the commissioners or between commissioners and staff. Unlike ex officio members, these representatives do not attend portions of nonpublic meetings and do not receive nonpublic materials on the matters stated above, and are not empowered to participate alongside commissioners at public meetings or hearings.

Proposed Amendment:

Rule 3.1 – Meetings

(a) The Chair shall call and preside at Commission meetings. *See* 28 U.S.C. § 993(a). In the absence of the Chair, the Chair will designate a Vice Chair to preside.

(b) Members may participate in meetings from remote locations by electronic means, including telephone, satellite, and video conference devices.

(c) In furtherance of the Commission's duty to "consult with authorities on, and individual and institutional representatives of" the groups listed in 28 U.S.C. § 994(o), one representative designated by the Committee on Criminal Law of the Judicial Conference of the United States, and one representative designated by the Sentencing Guidelines Committee for the Federal Public and Community Defenders, shall be invited by the Chair to attend all nonpublic Commission meetings at which Commission staff is present so that they may provide "any observations, comments or questions pertinent to the work of the Commission." *See* 28 U.S.C. § 994(o). To facilitate informed participation, the designated representatives shall receive, at the time of distribution, the same meeting materials distributed to commissioners.

The Chair shall exclude designated representatives from portions of meetings, and withhold from them meeting materials, relating to (1) confidential or sensitive matters involving any of the following: pending litigation involving the Commission, ethics rules and standards, budgetary allocations or appropriations, personnel and staffing matters, and procurement and contract actions; or (2) a rare and unusual matter the Chair has determined requires the utmost confidentiality and warrants discussion exclusively among the commissioners or between commissioners and staff.

Each designated representative may be accompanied at Commission meetings by one staff member from their respective organization to provide necessary technical, administrative, or advisory support.

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