

MEMORANDUM TO THE CHIEF JUSTICE OF THE UNITED STATES AND THE
ASSOCIATE JUSTICES OF THE SUPREME COURT

I have the honor to transmit herewith for consideration of the Court proposed amendments to Rules 6 and 41 of the Federal Rules of Criminal Procedure. These proposed amendments add to and replace provisions in revised Rules 6 and 41 that were sent to the Court by the Conference on November 19, 2001, as part of a comprehensive revision of the rules.

The proposed amendments take into account two sections of the recently enacted USA PATRIOT Act (Pub. L. No. 107-56), which added new provisions to Criminal Rules 6 and 41. These statutory amendments were made after the Judicial Conference had approved a comprehensive revision of the Criminal Rules. To avoid confusion and supersession problems, conforming amendments to Rules 6 and 41 have been proposed, which make no substantive changes to the statutory provisions.

The Judicial Conference has placed the proposed amendments on its final consent calendar, and the Conference is expected to approve them by acclamation at its March 13, 2002, meeting. The amendments are now being transmitted to the Court to facilitate early review with a recommendation that they be integrated into the comprehensive Criminal Rules revision and transmitted to the Congress pursuant to law.

For your assistance in considering these proposed amendments, I am also transmitting an excerpt from the Report of the Committee on Rules of Practice and Procedure to the Judicial Conference, the Report of the Advisory Committee on Criminal Rules, and a single, comprehensive set of rules that integrates all the proposed amendments.

Leonidas Ralph Mecham
Secretary

Attachments