

**Minutes of the May 2, 2003
U.S. Sentencing Commission Public Meeting**

Chair Murphy called the meeting to order at 3:30 p.m. Vice Chair Steer and staff participated from the Commissioners Conference Room, while the remaining members of the Commission participated via teleconference.

The following Commissioners and staff participated in the meeting:

Diana E. Murphy, Chair
Ruben Castillo, Vice Chair
William K. Sessions, III, Vice Chair
John R. Steer, Vice Chair
Michael E. O'Neill, Commissioner
Timothy B. McGrath, Staff Director
Charles Tetzlaff, General Counsel

Chair Murphy asked General Counsel Charles Tetzlaff to describe the purpose of today's meeting.

General Counsel Tetzlaff stated that at the Commission's last public meeting, April 29, 2003, the Commission provisionally voted to implement certain provisions of the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (the "PROTECT Act" or the "Act") conditioned upon its final enactment. In summary, the Commission did the following. First, the Commission authorized staff to distribute to all federal courts and probation officers a new supplement to the *Guidelines Manual* containing Congress's direct amendments to the guidelines under the PROTECT Act along with certain conforming amendments. Second, the Commission waived the notice and comment period, to the extent that it was applicable, for the conforming amendments based on "good cause," namely the necessity of making the effective date of the conforming amendments contemporaneous with the effective date of the direct congressional PROTECT Act amendments. Third, the Commission made the effective date of the conforming amendments the same date as the date of the enactment of the PROTECT Act, which is April 30, 2003. Fourth, the Commission promulgated amendments to the kidnapping guideline pursuant to the PROTECT Act and as set forth in the new *Guidelines Manual* supplement, which was before the Commission, with an effective date 30 days from the date of enactment of the PROTECT Act, which will be May 30, 2003. Finally, the Commission authorized staff to make technical and conforming changes, if needed.

General Counsel Tetzlaff stated that in light of the PROTECT Act having become law with the President's signing of the bill on April 30, 2003, a motion would be in order to ratify all action taken by the Commission at its last public meeting on April 29, 2003.

Vice Chair Steer moved to ratify the Commission's actions taken on April 29, 2003. Seconded by Vice Chair Sessions. The motion passed unanimously.

Noting no further discussion, Chair Murphy adjourned the public meeting at 3:35 p.m.