

National Association of Assistant United States Attorneys

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March 16, 2015

The Honorable Patti B. Saris
Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002

Re: Proposed Amendments to Sentencing Guidelines

Dear Chief Judge Saris:

The National Association of Assistant United States Attorneys (NAAUSA) submits the following comments in response to the Commission's proposed amendments to the federal sentencing guidelines, published in the Federal Register on January 16, 2015 (80 Fed. Reg.2570).

We confine our principal attention to the proposed amendment to U.S.S.G. Section 2D1.1 to address the new statutory penalty structure for offenses involving hydrocodone and hydrocodone combination products, in light of recent administrative actions by the Food and Drug Administration and the Drug Enforcement Administration.

The National Association of Assistant United States Attorneys represents the interests of the 5,400 Assistant United States Attorneys employed by the Department of Justice and responsible for the prosecution of federal crimes and the handling of civil litigation involving the United States. United States Attorneys and Assistant United States Attorneys are the gatekeepers of our system of justice. Their primary responsibility is to protect the innocent and prosecute the guilty.

Mindful of these responsibilities, we endorse the proposed amendment of U.S.S.G. Section 2D1.1 to conform to the reclassification of single-entity hydrocodone products and hydrocodone combination products by the Food and Drug Administration and the Drug Enforcement Administration. Both hydrocodone and oxycodone belong to the same pharmacological class of "narcotic analgesics," or opioids, a group that also includes morphine and heroin. Hydrocodone and oxycodone are similar not only in their potency and public health effects, but also in their chemical structures and pharmacological actions. Both drugs have similar potencies, abuse potential and adverse health consequences, as documented by scientific and law enforcement sources. The potential for abuse of both these drugs is high, and both drugs are among the top ten drugs most frequently encountered by law enforcement.


The proposed amendment provides a single marijuana equivalency for all hydrocodone offenses, whether single-entity or in combination, based on the actual weight of the hydrocodone involved, rather than the number of pills involved or the weight of the pills. The marijuana

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equivalency, as proposed by the Commission, relies on a scale under which one gram of hydrocodone equates to either 4,467 or 6,700 grams of marijuana. We concur with the Department of Justice in its support for a drug equivalency of 6,700 grams, which is parallel to that of oxycodone under the current guidelines.

In summary, the proposed amendment responds to the heightened dangers posed by single-entity hydrocodone products and hydrocodone combination products and will assist law enforcement efforts to dismantle organized crime syndicates engaged in the illicit manufacture and trafficking of these drugs. Thank you for your consideration of these comments.

Sincerely yours,


Dennis Boyd
Executive Director