

Congress of the United States

House of Representatives

Washington, DC 20515

March 19, 2013

The Honorable Patti R. Saris, Chair
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Judge Saris:

We write as the lead sponsors of H.R. 4223 and S. 1002, the SAFE DOSES Act, to urge the United States Sentencing Commission ("Commission") to give full effect to the congressional intent and policy judgment behind that legislation as it works to amend the Sentencing Guidelines.

Congress developed and passed the SAFE DOSES Act in response to the serious public health and safety risks posed by large-scale theft of medical cargo. Criminals who steal medical products and sell them back into the supply chain put patients—some of whom are being treated for serious diseases such as cancer, heart disease and neurological disorders—at risk by failing to properly care for the items they steal, sometimes rendering the medical products ineffective or even harmful. Congress concluded that the laws existing prior to the SAFE DOSES Act failed to give prosecutors and judges the tools to combat this risk, including sentences that would deter this activity, punish the perpetrators and incentivize cooperation with investigators. We acted to remedy the problem that, under then-current law, the theft of medical products was punished to the same degree as the theft of items that do not pose a serious public health risk, such as stereo equipment or clothing.

The SAFE DOSES Act passed with overwhelming support. Both the House and Senate Judiciary Committees approved it unanimously. The House of Representatives passed it under suspension of the rules, and in the Senate, where over one-third of the body co-sponsored the legislation, it passed by unanimous consent. President Obama signed it into law on October 5, 2012.

We know that members of criminal organizations carrying out the offenses punishable under the SAFE DOSES Act are not petty thieves. In fact, Congress avoided punishing shoplifters or those who unknowingly purchase or possess pre-retail medical products for personal use by excluding such activity from the definitions. Rather, we targeted sophisticated enterprises, the members of which knowingly commit serious and dangerous crimes that put the health of patients and consumers at risk. They do so because the profits are high and the punishments are low.

The SAFE DOSES Act directs the Commission to review and, where appropriate, amend the Sentencing Guidelines to carry out congressional intent. We urge the Commission to

The Honorable Patti R. Saris

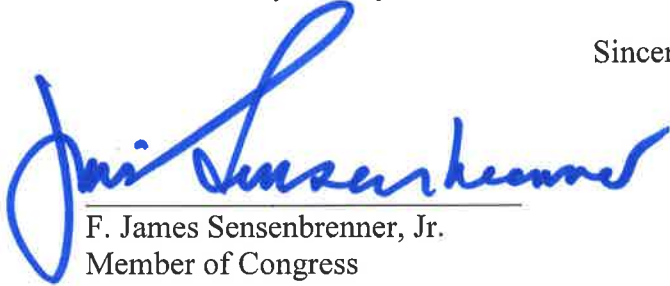
March 19, 2013

Page Two


carefully reflect upon our policy considerations as it evaluates the comments to its proposed amendment to the Guidelines. Penalties for medical product theft should be sufficient to deter and punish such offenses, appropriately reflecting the grave risk of harm to the public.

Thank you for your attention to this serious matter.

Sincerely,



F. James Sensenbrenner, Jr.
Member of Congress



Charles E. Schumer
United States Senator