

**REVISED PROPOSED AMENDMENT: RE-PROMULGATION OF AMPHETAMINE  
EMERGENCY AMENDMENT AS PERMANENT AMENDMENT  
(Proposed Amendment 2 of User Friendly, Volume Two)**

**Synopsis of Revised Proposed Amendment:** *This revised proposed amendment re-promulgates the temporary, emergency amendment regarding increased amphetamine penalties, which the Commission promulgated at its February meeting in response to section 3611 of the Methamphetamine Anti-Proliferation Act of 2000, Pub. L. 106–310.*

*The revised proposed amendment treats amphetamine and methamphetamine identically, at a 1:1 ratio (i.e., the same quantities of amphetamine and methamphetamine would result in the same base offense level) because of the similarities of the two substances. Specifically, amphetamine and methamphetamine (A) chemically are similar; (B) are produced by a similar method, and are trafficked in a similar manner; (C) share similar methods of use; (D) affect the same parts of the brain; and (E) have similar intoxicating effects. The revised proposed amendment also distinguishes between pure amphetamine (i.e., amphetamine (actual)) and amphetamine mixture in the same manner, and at the same quantities, as pure methamphetamine (i.e., methamphetamine (actual)) and methamphetamine mixture, respectively. The proposed amendment reflects the view that the 1:1 ratio is appropriate given the seriousness of these two controlled substances.*

*This revised proposed amendment differs from the temporary, emergency amendment in that includes reference to amphetamine in §2D1.1(b)(4), which provides a two-level enhancement if the offense involved the importation of methamphetamine or the manufacture of methamphetamine from listed chemicals that the defendant knew were imported unlawfully. The revised proposed amendment also eliminates a reference to dextroamphetamine in the Drug Equivalency Tables in §2D1.1. In response to an issue for comment regarding whether the Commission should treat dextroamphetamine the same as it treats amphetamine and methamphetamine, the Department of Justice provided comment that dextroamphetamine is an isomer and should not be included either in the Drug Quantity Table or in the Drug Equivalency Tables of §2D1.1. Accordingly, this amendment proposes to strike the current reference to dextroamphetamine from the Drug Equivalency Tables.*

**Proposed Amendment:**

**§2D1.1. Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy**

(b) Specific Offense Characteristics

\* \* \*

- (4) If (A) the offense involved the importation of methamphetamine or amphetamine, or the manufacture of methamphetamine or amphetamine, from listed chemicals that the defendant knew were imported unlawfully, and (B) the defendant is not subject to an adjustment under §3B1.2 (Mitigating Role), increase by 2 levels.

\* \* \*

**(c) DRUG QUANTITY TABLE**

**Controlled Substances and Quantity\***

**Base Offense Level**

(1)

\* \* \*

**Level 38**

M 15 KG or more of Methamphetamine, or 1.5 KG or more of Methamphetamine (actual), or 1.5 KG or more of "Ice";  
M 15 KG or more of Amphetamine, or 1.5 KG or more of Amphetamine (actual);  
\* \* \*

(2)

\* \* \*

**Level 36**

M At least 5 KG but less than 15 KG of Methamphetamine, or at least 500 G but less than 1.5 KG of Methamphetamine (actual), or at least 500 G but less than 1.5 KG of "Ice";  
M At least 5 KG but less than 15 KG of Amphetamine, or at least 500 G but less than 1.5 KG of Amphetamine (actual);

(3)

\* \* \*

**Level 34**

M At least 1.5 KG but less than 5 KG of Methamphetamine, or at least 150 G but less than 500 G of Methamphetamine (actual), or at least 150 G but less than 500 G of "Ice";  
M At least 1.5 KG but less than 5 KG of Amphetamine, or at least 150 G but less than 500 G of Amphetamine (actual);  
\* \* \*

(4) \* \* \* **Level 32**

M At least 500 G but less than 1.5 KG of Methamphetamine, or at least 50 G but less than 150 G of Methamphetamine (actual), or at least 50 G but less than 150 G of "Ice";

M At least 500 G but less than 1.5 KG of Amphetamine, or at least 50 G but less than 150 G of Amphetamine (actual);

\* \* \*

\* \* \*

(5) **Level 30**

M At least 350 G but less than 500 G of Methamphetamine, or at least 35 G but less than 50 G of Methamphetamine (actual), or at least 35 G but less than 50 G of "Ice";

M At least 350 G but less than 500 G of Amphetamine, or at least 35 G but less than 50 G of Amphetamine (actual);

\* \* \*

(6) \* \* \* **Level 28**

M At least 200 G but less than 350 G of Methamphetamine, or at least 20 G but less than 35 G of Methamphetamine (actual), or at least 20 G but less than 35 G of "Ice";

M At least 200 G but less than 350 G of Amphetamine, or at least 20 G but less than 35 G of Amphetamine (actual);

\* \* \*

(7) \* \* \* **Level 26**

M At least 50 G but less than 200 G of Methamphetamine, or at least 5 G but less than 20 G of Methamphetamine (actual), or at least 5 G but less than 20 G of "Ice";

M At least 50 G but less than 200 G of Amphetamine, or at least 5 G but less than 20 G of Amphetamine (actual);

\* \* \*

(8) \* \* \* **Level 24**

M At least 40 G but less than 50 G of Methamphetamine, or at least 4 G but less than 5 G of Methamphetamine (actual), or at least 4 G but less than 5 G of "Ice";

M At least 40 G but less than 50 G of Amphetamine, or at least 4 G but less than 5 G of Amphetamine (actual);

\* \* \*

(9) \* \* \* **Level 22**

M At least 30 G but less than 40 G of Methamphetamine, or at least 3 G but less than 4 G of Methamphetamine (actual), or at least 3 G but less than 4 G of "Ice";

M At least 30 G but less than 40 G of Amphetamine, or at least 3 G but less than 4 G of Amphetamine (actual);

\* \* \*

(10) M At least 20 G but less than 30 G of Methamphetamine, or at least 2 G but less than 3 G of Methamphetamine (actual), or at least 2 G but less than 3 G of "Ice"; **Level 20**

M At least 20 G but less than 30 G of Amphetamine, or at least 2 G but less than 3 G of Amphetamine (actual);

M At least 20 G but less than 30 G of Amphetamine, or at least 2 G but less than 3 G of Amphetamine (actual);

(11) \* \* \* **Level 18**

M At least 10 G but less than 20 G of Methamphetamine, or at least 1 G but less than 2 G of Methamphetamine (actual), or at least 1 G but less than 2 G of "Ice";

M At least 10 G but less than 20 G of Amphetamine, or at least 1 G but less than 2 G of Amphetamine (actual);

\* \* \*

(12) \* \* \* **Level 16**

M At least 5 G but less than 10 G of Methamphetamine, or at least 500 MG but less than 1 G of Methamphetamine (actual), or at least 500 MG but less than 1 G of "Ice";

M At least 5 G but less than 10 G of Amphetamine, or at least 500 MG but less than 1 G of Amphetamine (actual);

\* \* \*

(13) \* \* \* **Level 14**

M At least 2.5 G but less than 5 G of Methamphetamine, or at least 250 MG but less than 500 MG of Methamphetamine (actual), or at least 250 MG but less than 500 MG of "Ice";

M At least 2.5 G but less than 5 G of Amphetamine, or at least 250 MG but less than 500 MG of Amphetamine (actual);

\* \* \*

(14) \* \* \* **Level 12**

M Less than 2.5 G of Methamphetamine, or less than 250 MG of Methamphetamine (actual), or less than 250 MG of "Ice";

M Less than 2.5 G of Amphetamine, or less than 250 MG of Amphetamine (actual);

\* \* \*

\*Notes to Drug Quantity Table:

\* \* \*

- (B) The terms "PCP (actual)", "Amphetamine (actual)", and "Methamphetamine (actual)" refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP, amphetamine, or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual), amphetamine (actual), or methamphetamine (actual), whichever is greater.

\* \* \*

Commentary

Application Notes:

\* \* \*

9. *Trafficking in controlled substances, compounds, or mixtures of unusually high purity may warrant an upward departure, except in the case of PCP, amphetamine, or methamphetamine for which the guideline itself provides for the consideration of purity (see the footnote to the Drug Quantity Table). The purity of the controlled substance, particularly in the case of heroin, may be relevant in the sentencing process because it is probative of the defendant's role or position in the chain of distribution. Since controlled substances are often diluted and combined with other substances as they pass down the chain of distribution, the fact that a defendant is in possession of unusually pure narcotics may indicate a prominent role in the criminal enterprise and proximity to the source of the drugs. As large quantities are normally associated with high purities, this factor is particularly relevant where smaller quantities are involved.*

10.

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DRUG EQUIVALENCY TABLES

\* \* \*

Cocaine and Other Schedule I and II Stimulants (and their immediate precursors)\*

\* \* \*

1 gm of Amphetamine =	200 gm of marihuana
1 gm of Amphetamine (Actual) =	20 kg of marihuana
1 gm of Dextroamphetamine=	200 gm of marihuana

\* \* \*

*\*Provided, that the minimum offense level from the Drug Quantity Table for any of these controlled substances individually, or in combination with another controlled substance, is level 12.*

\* \* \*