

UNITED STATES SENTENCING COMMISSION
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July 30, 2014

The Honorable Steve Cohen
United States House of Representatives
2404 Rayburn H.O.B.
Washington, DC 20515

Dear Representative Cohen:

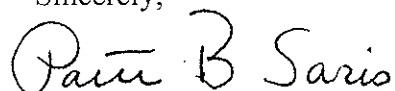
I am writing on behalf of the United States Sentencing Commission to thank you for your July 10, 2014 letter regarding possible retroactivity of the amendment to the guidelines' drug quantity table. The Commission appreciates your attention to this important matter and your participation in the guideline amendment process. Your views supporting full retroactivity of the amendment were given careful consideration.

On July 18, 2014, the Commission voted unanimously to apply the amendment reducing the levels in the drug quantity table retroactively, subject to a special instruction that reduced sentences shall not take effect until November 1, 2015. The drug quantity table amendment is currently before Congress. If Congress does not vote to disapprove the amendment, it will become effective November 1, 2014. Courts could begin considering requests to retroactively reduce sentences at that time, but orders reducing sentences could not become effective until a year later on November 1, 2015. Retroactive application of the amendment, with reduced sentences taking effect November 1, 2015 or later, will have a significant impact on reducing prison costs and overcapacity. An estimated 46,376 offenders will be eligible for reduced sentences, and these offenders would be eligible to have their sentences reduced by an average of 25 months or 18.8 percent. This potential reduction would result over time in a savings of 79,740 prison bed years.

The Commission believes that delayed implementation of retroactive application of the drug amendment will effectively address public safety concerns. It will allow judges more time to consider the initial influx of motions for reduced sentences and carefully review every case to determine whether a reduction is appropriate. It will also ensure that the Bureau of Prisons can give every offender transitional services and half-way house opportunities that help increase the chances of successful reentry into society and will allow the Office of Probation and Pretrial Services adequate time to prepare so that released offenders can be effectively supervised.

Although the Commission believes this is an important step, the Commission continues to support legislative solutions which would have a far broader impact and stands ready to work with Congress to assist in this process. If you have any questions, please do not hesitate to contact me or the Commission's Director of Legislative and Public Affairs, Noah Bookbinder, at (202) 502-4519.

Sincerely,

A handwritten signature in cursive script that reads "Patti B Saris". The signature is written in black ink and is positioned below the word "Sincerely,".

Patti B. Saris
Chair