- (A) leader or organizer, increase by 4 levels: or
- (B) manager or supervisor, increase by 2 levels.
- (6) If the defendant functioned in the offense as a peripheral, decrease by 2 levels.
- (7) If the defendant unlawfully imported or exported a controlled substance under circumstances in which (A) an aircraft other than a regularly scheduled commercial air carrier was used to import or export the controlled substance, or (B) the defendant acted as a pilot, copilot, captain, navigator, flight officer, or any other operation officer aboard any craft or vessel carrying a controlled substance, increase by 2 levels. If the resulting offense level is less than level 26, increase to level 26.

[Subsection (c) (Drug Quantity Table) is set forth on the following pages.]

- (d) Cross Reference
- (1) If a victim was killed under circumstances that would constitute murder under 18 U.S.C. § 1111 had such killing taken place within the territorial or maritime jurisdiction of the United States, apply § 2A1.1 (First Degree Murder).

(c) DRUG QUANTITY TABLE

(c) Drug Quantity Table	
Controlled substances and quantity*	Offense level in- crease
(1) 10 KG or more of Heroin (or the equivalent amount of other Schedule I or II Opiates), PCP, or Methamphetamine;. 50 KG or more of Cocaine (or the equivalent amount of other Schedule I or II Stimulants), or [X KG]** of Cocaine Base; 100 G or more of LSD (or the equivalent amount of other Schedule I or II Hallucinogens); 4 KG or more of Fentanyl; 1 KG or more of Fentanyl; 1 KG or more of Arentanyl Analogue; 10,000 KG or more of Marijuana; 2,000 KG or more of Hashish;	Add 6.
200 KG or more of Hashish Oil. (2) At least 1 KG but less than 10 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates), PCP, or Meth-	Add 4.

amphetamine;.

(c) DRUG QUANTITY TABLE— Continued

Controlled substances and

quantity*	crease
At least 5 KG but less than 50 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants), or [X KG**] of Cocaine Base; At least 10 G but less than 100 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens); At least 400 G but less than 4 KG of Fentanyl; At least 100 G but less than 1 KG of a Fentanyl Analogue; At least 1,000 KG but less than 1,000 KG of Marihuana; At least 200 KG but less than 2,000 KG of Hashish; At least 20 KG but less than 200 KG of Hashish Oil. (3) At least 100 G but less than 1 KG of Heroin (or the equivalent amount of other Schedule I or II Opiates), PCP, or Methamphetamine; At least 500 G but less than 5 KG of Cocaine (or the equivalent amount of other Schedule I or II Stimulants), or [X G**] of Cocaine Base; At least 1 G but less than 10 G of LSD (or the equivalent amount of other Schedule I or II Hallucinogens); At least 10 G but less than 100 G of Fentanyl; At least 10 G but less than 100 G of Fentanyl; At least 10 G but less than 100 G of Fentanyl; At least 10 KG but less than 100 G of Fentanyl; At least 20 KG but less than 200 KG of Marihuana; At least 20 KG but less than 200 KG of Hashish; At least 2 KG but less than 20 KG of Hashish Oil. *Unless otherwise specified, the controlled substance set forth in the controlled substance se	weight of a

*Unless otherwise specified, the weight of a controlled substance set forth in the table refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense level.

** Comment is invited on the appropriate ratio of cocaine base to cocaine.

'Cocaine base,' for the purposes of this guideline, means 'crack.' 'Crack' is the street name for a form of cocaine base, usually prepared by processing cocaine hydrochloride and sodium bicarbonate, and usually appearing in a lumpy, rocklike form.

In the case of an offense involving marijuana plants treat each plant as equivalent to 100 G of marihuana. Provided, however, that if the actual weight of the marijuana is greater, use the actual weight of the marihuana.

In the case of LSD on a carrier medium (e.g., a sheet of blotter paper), do not use the weight of the LSD/carrier medium. Instead, treat each dose of LSD on the carrier medium as equal to 0.4 mg of LSD for the purposes of the Drug Quantity Table.

Commentary

Offense

level in-

Statutory Provisions: 21 U.S.C. $\S\S 841(a)$, (b)(1)-(3), 960(a), (b). For additional statutory provision(s), see Appendix A (Statutory Index).

Application Notes:

- 1. The base offense level is determined on the basis of the most serious drug type involved in the offense. Accordingly, types of drugs not specified in the count of conviction may be considered in determining the offense level. See § 1B1.3(a)(2) (Relevant Conduct).
- 2. Do not apply the adjustments for § 3B1.1 (Aggravating Role) and § 3B1.2 (Mitigating Role) because adjustments for culpability have been incorporated into specific offense characteristics in § 2D1.1.
- 3. 'Firearm,' 'dangerous weapon,' 'otherwise used,' 'brandished,' 'bodily injury,' 'serious bodily injury,' and 'permanent or life-threatening bodily injury' are defined in the Commentary to § 1B1.1 (Application Instructions). The term 'participant' is defined in the Commentary to § 3B1.1 (Aggravating Role).
- 4. Firearm or destructive device 'listed in 26 U.S.C. § 5845(a)' includes: (i) any short-barreled rifle or shotgun or any weapon made therefrom; (ii) a machinegun; (iii) a silencer; (iv) a destructive device; or (v) any 'other weapon,' as that term is defined by 26 U.S.C. § 5845(e). A firearm listed in 26 U.S.C. § 5845(a) does not include unaltered handguns or regulation-length rifles or shotguns. For a more detailed definition, refer to 26 U.S.C. § 5845.
- 5. The terms 'leader' or 'organizer' as used in subsection (b)(5)(A), refer to defendants who act as the principal administrator, organizer, or leader of the criminal activity or as one of several such principal administrators, organizers, or leaders. Such defendants are distinguished by their participation in the planning and organization of the offense, the degree of control and authority exercised over others, a claimed right to a larger share of the fruits of the crime, the exercise of decision-making authority, and the recruitment of accomplices. Leaders and organizers typically would include defendants who act as:
- a. high-level dealers—defendants who purchase or import drugs and distribute