

UNITED STATES SENTENCING COMMISSION

Final Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In June 2025, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2026. After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502-4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises

previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2026. Other factors, such as legislation requiring Commission action, may affect the Commission's ability to complete work on any or all identified priorities by May 1, 2026. Accordingly, the Commission may continue work on any or all identified priorities after that date or may decide not to pursue one or more identified priorities. The Commission previously published a notice of proposed policy priorities for the amendment cycle ending May 1, 2026. *See* 90 FR 24710 (June 11, 2025).

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

The Commission has identified the following priorities for the amendment cycle ending May 1, 2026:

(1) Examination of how the guidelines can provide courts with additional guidance on selecting the appropriate sentencing option (*e.g.*, imprisonment, probation, or fine), and possible consideration of amendments that might be appropriate.

(2) Further examination of the penalty structure for certain drug trafficking offenses under §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)) and §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), including (A) consideration of possible amendments addressing the purity distinctions for methamphetamine provided in the Drug Quantity Table and related application notes; (B) consideration of other miscellaneous issues pertaining to drug trafficking offenses coming to the Commission's attention, such as statutory changes relating to fentanyl, sentencing enhancements for offenses involving fentanyl, and other fentanyl-related issues; and (C) and consideration of possible amendments to the Chemical Quantity Table at §2D1.11 to address offenses involving fentanyl precursors.

(3) Examination of §2B1.1 (Theft, Property Destruction, and Fraud) and related guidelines to ensure the guidelines appropriately reflect the culpability of the individual and the harm to the victim, including (A) reassessing the role of actual loss, intended loss, and gain; (B) considering whether the loss table in §2B1.1 should be revised to simplify application or to adjust for inflation; (C) considering the application and impact of the victims table in §2B1.1 and adjustments in Chapter Three, Part A (Victim-Related Adjustments), relating to victims; (D) considering the application and impact of

adjustments in Chapter Three, Part B (Role in the Offense) relating to role in the offense; and (E) possible consideration of amendments that might be appropriate.

(4) Continued examination of the career offender guidelines, including (A) evaluating the impact, feasibility, and uniformity in application of alternative approaches to the “categorical approach” through workshops, field testing, and updating the data analyses set forth in the Commission’s 2016 report to Congress, titled *Career Offender Sentencing Enhancements*; and (B) possible consideration of amendments that might be appropriate.

(5) Examination of whether the guidelines provide appropriate adjustments for good behavior, including examination of whether §3E1.1 (Acceptance of Responsibility) and §5K1.1 (Substantial Assistance to Authorities) fully account for the variety of ways in which an individual may manifest acceptance of responsibility and provide substantial assistance, and possible consideration of amendments that might be appropriate.

(6) Continued exploration of ways to simplify the *Guidelines Manual*, including (A) examining the operation of the grouping rules in Chapter Three, Part D (Multiple Counts); (B) examining the operation of specific provisions of Chapter Four, Part A (Criminal History); (C) examining the operation of §5G1.3 (Imposition of a Sentence on a Defendant Subject to an Undischarged Term of Imprisonment or Anticipated State Term of Imprisonment); (D) evaluating infrequently applied specific offense

characteristics and adjustments provisions throughout the *Guidelines Manual*; and
(E) possible consideration of amendments that might be appropriate.

(7) Examination of offenses involving sophisticated means and possible consideration of an additional Chapter Three adjustment that would account for the consideration of factors such as sophistication in the preparation for, commission of, or evasion of detection for an offense.

(8) Examination of §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) to ensure the guidelines appropriately account for the consideration of factors such as the number of humans smuggled and whether the offense involved bodily injury or sexual assault, and possible consideration of amendments that might be appropriate.

(9) Assessing the degree to which certain practices of the Federal Bureau of Prisons are effective in meeting the purposes of sentencing as set forth in 18 U.S.C. 3553(a)(2) and considering any appropriate responses including possible consideration of recommendations or amendments.

(10) Implementation of any legislation warranting Commission action.

(11) Resolution of circuit conflicts as warranted, pursuant to the Commission's authority under 28 U.S.C. 991(b)(1)(B) and *Braxton v. United States*, 500 U.S. 344 (1991).

(12) Consideration of other miscellaneous issues coming to the Commission's attention.

AUTHORITY: 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 2.2, 5.2.

Carlton W. Reeves,

Chair.