

UNITED STATES SENTENCING COMMISSION

Proposed Priorities for Amendment Cycle

AGENCY: United States Sentencing Commission.

ACTION: Notice; Request for public comment.

SUMMARY: As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the federal sentencing guidelines, and in accordance with its Rules of Practice and Procedure, the United States Sentencing Commission is seeking comment on possible policy priorities for the amendment cycle ending May 1, 2027.

DATES: Public comment should be received by the Commission on or before **July 27, 2026**. Any public comment received after the close of the comment period may not be considered.

ADDRESSES: There are two methods for submitting public comment.

Electronic Submission of Comments. Comments may be submitted electronically via the Commission’s Public Comment Submission Portal at <https://comment.ussc.gov>. Follow the online instructions for submitting comments.

Submission of Comments by Mail. Comments may be submitted by mail to the following address: United States Sentencing Commission, One Columbus Circle, N.E., Suite 2-500, Washington, D.C. 20002-8002, Attention: Public Affairs – Priorities Comment.

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 the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

The Commission provides this notice to identify possible policy priorities for the amendment cycle ending May 1, 2027. Other factors, such as legislation requiring Commission action or possible loss of a voting quorum, may affect the Commission’s ability to complete work on any or all identified priorities by May 1, 2027. 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.

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 invites comment on the following proposed priorities for the amendment cycle ending May 1, 2027 (including comment on any additional priorities commenters believe the Commission should consider in the upcoming amendment cycle and beyond, and comment proposing specific amendment text or research agendas that would address a given priority):

(1) In anticipation of the 40th anniversary of the *Guidelines Manual* and two decades of experience with advisory guidelines, the Commission intends to undertake an evaluation of the guidelines and federal sentencing practices in light of the Commission's mission set forth in the Sentencing Reform Act, the statutory purposes of sentencing in 18 U.S.C. 3553(a)(2), and relevant legal developments that have occurred in the past four decades. As part of this priority, the Commission may use regional public hearings, symposiums, roundtable discussions, conferences, and other tools to solicit input on the Commission's work from various stakeholders, including judges, Congress, the Executive Branch, Federal Public Defenders, victims, sentenced individuals, and others.

(2) In anticipation of the 30th anniversary of the Commission’s Rules of Practice and Procedure, the Commission expects to undertake a comprehensive review of the Rules and consider whether any amendments to such Rules may be appropriate to further the agency’s statutory purposes and enhance public engagement with and understanding of the Commission’s work. As part of the priority, the Commission expects to review current practices and consider possible changes regarding: (a) what Commission work is conducted in public; (b) what Commission policymaking materials should be made public; (c) how stakeholder and public involvement is structured, including through rules about *ex parte* communications; and (d) what analyses supporting agency policymaking are conducted and released publicly.

(3) Consideration of any amendments that may be warranted in response to any legislation or case law developments.

(4) 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).

(5) Consideration of other miscellaneous issues coming to the Commission’s attention.

Beyond the consideration of possible policy priorities this year, the Commission has chosen to not solicit public comment or hold a hearing on retroactivity. When the

Commission submits amendments to Congress, it may decide to publish an issue for comment and hold a hearing on whether to make some or all of those amendments retroactive. *See* USSC Rules of Practice and Procedure 4.1. The Commission is not taking these steps for any of the amendments submitted to Congress on April 30, 2026. While three Commissioners may have voted in favor of making retroactive Amendment 2 (relating to inflationary adjustments) of the amendments submitted by the Commission to Congress on April 30, 2026, those votes alone would not have met the Sentencing Reform Act's four-vote threshold for retroactivity. *See* 28 U.S.C. 994(a)(2).

Public comment should be sent to the Commission as indicated in the ADDRESSES section above.

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

Carlton W. Reeves,

Chair.