



## 2026 AMENDMENTS IN BRIEF

In April 2026, the U.S. Sentencing Commission approved amendments to the federal sentencing guidelines. For a more detailed discussion of the policy determinations made by the Commission, please refer to the *Reason for Amendment* in the "Reader-Friendly" and Official Text (link in QR code).

### 2026 Amendment Drug Offenses

The Drug Offenses Amendment **revises §2D1.1** of the guidelines to account for the permanent scheduling of "**fentanyl-related substances**" as Schedule I.

The amendment **sets the quantity thresholds and base offense levels (BOL)** for "fentanyl-related substances" at the **same level as fentanyl analogues**, to mirror the equivalencies between these substances in the HALT Fentanyl Act.

The amendment also **adds a Note to the Drug Quantity Table (DQT)** that defines "**fentanyl-related substance**" by reference to 21 U.S.C. § 812(e). The Note **includes a rebuttable presumption** that the BOL specified in the DQT applies to "fentanyl-related substances" but provides a safety valve by which, under specified conditions, that presumption can be rebutted.

The amendment also **adds "fentanyl-related substances"** to the existing **misrepresentation enhancement** at §2D1.1(b)(13).



### THE ISSUE

## Implementing the HALT Fentanyl Act

Enacted in 2025, the HALT Fentanyl Act permanently classified "fentanyl-related substances" (newly defined at 21 U.S.C. § 812(e)) as Schedule I substances. It also set the quantities that trigger mandatory minimum penalties for these substances at the same level as fentanyl analogues. Commission data demonstrated that prior to the HALT Fentanyl Act, courts sentenced most individuals convicted of offenses involving fentanyl-related substances as if those offenses involved fentanyl analogues.

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### 2026 Amendment Inflationary Adjustment

This amendment adjusts the monetary tables and values in the guidelines for inflation using the same methodology the Commission used in 2015, the last year the guidelines were amended to account for inflation.

Specifically, the amendment revises the monetary tables found at §§2B1.1 (Theft, Property, Destruction, and Fraud), 2B2.1 (Burglary), 2B3.1 (Robbery), 2R1.1 (Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors), 2T4.1 (Tax Table), 5E1.2 (Fines for Individual Defendants), and 8C2.4 (Base Fine). The amendment also adjusts for inflation the monetary value in specific offense characteristics in other Chapter Two guidelines.



### THE ISSUE

## Outdated Monetary Tables

Due to inflationary changes, there has been a gradual decrease in the value of the dollar over time. As a result, monetary losses in current offenses reflect, to some degree, a lower degree of harm and culpability than equivalent amounts when the monetary tables were last substantively amended. Similarly, the fine levels recommended by the guidelines are lower in value than when they were last adjusted, and therefore, do not have the same sentencing impact as a similar fine in the past.



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### 2026 Amendment Multiple Counts

This amendment replaces the five guidelines in Chapter Three, Part D with a single guideline at §3D1.1 that provides all the steps necessary to determine the single offense level for cases involving multiple counts.

**New subsection (a)** provides the rule for calculating an offense level where multiple counts involve aggregate harms, such as multiple counts of fraud, drug trafficking, firearms, and tax.

**New subsection (b)** provides the rule for calculating an offense level for multiple counts involving physical harm to an individual victim.

**New subsection (c)** provides that the offense level for counts not covered by subsection (a) or (b) are calculated separately.

**New subsection (d)** instructs courts to use the highest resulting offense level from subsection (a), (b), or (c).

### THE ISSUE

## Complicated Multiple Count Rules

As part of the Commission’s continued efforts to simplify the *Guidelines Manual*, this amendment simplifies the procedure for determining the single offense level for cases involving multiple counts. The amendment responds to both commenter concerns and Commission observations through its training mission that the rules were confusing and, at times, led to misapplication of the rules, potentially resulting in unwarranted sentencing disparities.

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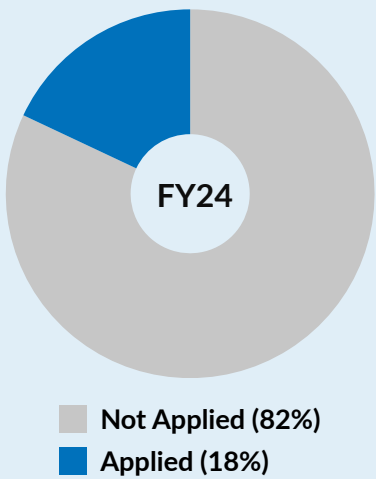
FACTS & FIGURES

The **multiple count rules applied to 10,807 (18%) of the 58,526 individuals sentenced** in fiscal year 2024 with complete guideline application information.

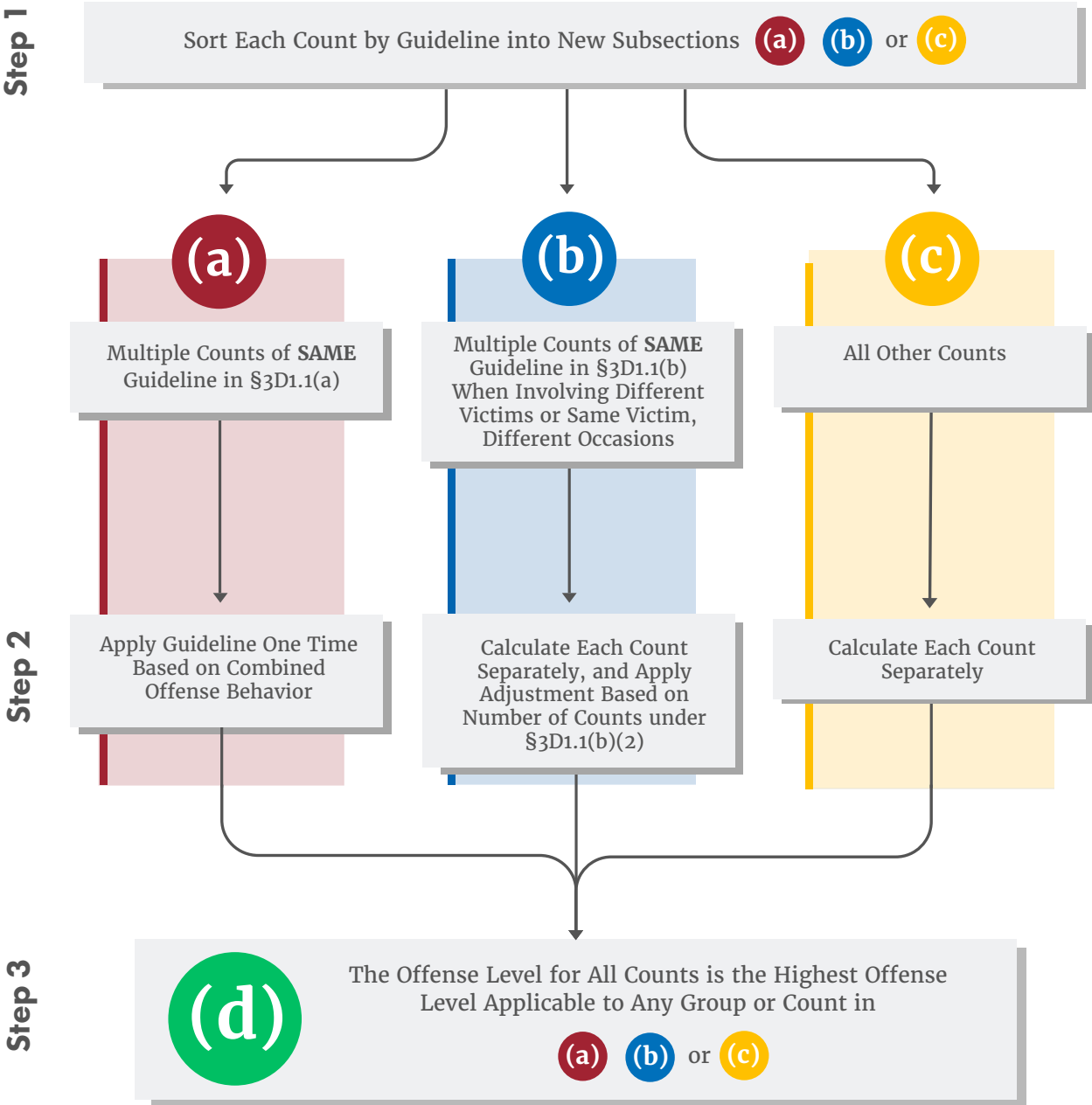
**Consistent with the Commission’s overarching intent, the amendment is largely outcome neutral.** Of the cases in which the multiple count rules applied, the Commission estimated that **93% would result in no change in the sentence** as a result of the 2026 Multiple Counts Amendment.

The Commission estimated that the average change in sentence imposed on all multiple count cases would be **less than one month**, from an average of 99.5 months to 98.9 months.

APPLICATION OF MULTIPLE COUNT RULES



FLOWCHART





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### 2026 Amendment Sentencing Options

This amendment revises Part A of Chapter Five by adding **Introductory Commentary** and a new guideline at §5A1.1.

The **Introductory Commentary** recognizes that courts must balance a broad range of factors to achieve a sentence that is “sufficient, but not greater than necessary to comply with the purposes set forth in [18 U.S.C. § 3553(a)(2)],” and that each option—imprisonment, probation, and fines—serves a punitive function.

**New §5A1.1** incorporates the existing Sentencing Table and adds two provisions that describe its structure and operation. Subsection (b) provides a table that lists the sentencing options available within each zone in the Sentencing Table, with cross-references to the relevant provisions of Chapter Five.

### THE ISSUE

## Selecting the Appropriate Sentence

By setting forth the operation of the Sentencing Table and clearly delineating a court’s guideline sentencing options before the Sentencing Table, the Commission intends to further assist courts in determining the appropriate sentence—both sentence length and sentence type—and to highlight the importance that the Commission and its enabling legislation place on the determination of sentence type.

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### 2026 Amendment Simplification

The Simplification Amendment deletes 26 specific offense characteristics that courts applied rarely (if at all) over the last 25 years. These specific offense characteristics are found under the following guidelines: §2A5.1, §2B1.5, §2B2.3, §2B6.1, §2D1.1, §2D1.11, §2D1.12, §2D1.14, §2G3.2, §2H3.1, §2J1.3, §2J1.6, §2J1.9, §2K1.5, §2K2.6, §2M4.1, §2P1.1, §2Q1.2, §2Q1.3, §2Q1.4, and §2T1.9.



### THE ISSUE

## Longstanding Commission Initiative

This amendment continues the Commission’s multi-year efforts to simplify the *Guidelines Manual*, which have taken various forms over time. During this amendment cycle, the Commission examined application rates for the 298 specific offense characteristics in Chapter Two to identify any infrequently used provisions that could be eliminated as a good-government measure. This amendment deletes 26 specific offense characteristics in light of their infrequent applicability to streamline the *Guidelines Manual*.



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