

SRC OUTLINE: 2026 USSG AMENDMENTS

Prepared 4/29/26

These are presented in order of likely significance. See the full text of amendments [here](#).

For assistance applying these, contact SRC at AZX_SRC@fd.org or sign up for SRC's online office hours [here](#).

I. Altered multi-count (f/k/a grouping) rules in Chapter 3, Part D

a. Bottom line

In response to concerns about confusion and misapplication of the grouping rules due to their complexity, the Commission created a new system for calculating the guideline range in multiple-count cases that is intended to be much simpler and also to be outcome-neutral, meaning that in the aggregate guideline ranges are not expected to go up or down (although some individual's guideline ranges will be higher or lower than under the old rule).

Previously, rules were based on conceptual ideas: we were grouping together offenses with the same harm and adding units (or half-units) when offenses had distinct harms. Now, there are only black-and-white rules based on the applicable guidelines. The idea appears to be that there are no more judgment calls, which should reduce disparities based on divergent interpretations or simply misapplication.

b. Applying the new rules, step by step (often times, not all steps will be required).

i. Calculating multiple counts under specified guidelines, where counts are aggregated

Under §3D1.1(a), as under the current system, multiple counts coming within the same of many commonly applied guidelines (including relating to drugs, immigration, guns, and fraud) will continue to be calculated singularly, in the aggregate:

§2A3.5; §§2B1.1, 2B1.4, 2B1.5, 2B4.1, 2B5.1, 2B5.3, 2B6.1; §§2C1.1, 2C1.2, 2C1.8; §2D1.1,

2D1.2, 2D1.5, 2D1.11, 2D1.13; §§2E4.1, 2E5.1;
§§2G2.2, 2G3.1; §2K2.1; 6 §§2L1.1, 2L2.1;
§2N3.1; §2Q2.1; §2R1.1; §§2S1.1, 2S1.3; §§2T1.1,
2T1.4, 2T1.6, 2T1.7, 2T1.9, 2T2.1, 2T3.1.

- ii. Determining whether to add extra levels to any count's offense level based on multiple counts
 1. Under the new §3D1.1(b)(1), there are a limited number of guidelines that can ever garner additional levels (formerly known as "units").

Guidelines that come within (b)(1):

all offenses in Chapter Two, Part A (except §2A3.5);
§§2B2.1, 2B3.1, 2B3.2, 2B3.3;
§2D2.3;
§§2E1.3, 2E1.4, 2E2.1;
§§2G1.1, 2G1.3, 2G2.1;
§§2H1.1, 2H4.1;
§2J1.2, 2J1.3;
§2K1.4;
§§2M3.9, 2M6.1;
§2N1.1;
§2Q1.4;
§2X6.1.

If none of the client's counts come within this (b)(1) list, *this analysis is over – there will be no additional levels*. Simply skip to step iv (find the highest offense level among all separately calculated counts). (§3D1.1(d)).

2. Even if you have counts under one or more of the (b)(1) listed guidelines, this can only result in additional levels if two conditions are present:
 - a. There are multiple counts to which "the same guideline applies" (e.g. two counts under §2B3.1 (robbery); it is not sufficient to have one count under §2B3.1 and one under 2B2.1 (burglary), regardless of underlying conduct).

– and –

- b. Those multiple counts that come within the same guideline “involve[] different victims or the same victim on different occasions.”

If the client does not have multiple counts that meet these conditions, then, even if there are counts that are sentenced under a guideline on the (b)(1) list, *there will be no additional levels – you are done.* Simply skip to step iv (find the highest offense level among all separately calculated counts). (§3D1.1(d)).

3. If the client does have at least two counts that are sentenced under a single guideline listed at (b)(1), and those counts involved different victims or the same victim on different occasions, then there will be additional levels. Apply the additional levels to the count with the highest offense level (among counts triggering additional levels) as follows:

NUMBER OF COUNTS COVERED BY GUIDELINE LISTED IN PARAGRAPH (1)	INCREASE IN OFFENSE LEVEL
(A) 2	add 2 levels
(B) 3	add 3 levels
(C) 4 or 5	add 4 levels
(D) 6 or more	add 5 levels.

iii. Calculating multiple counts under all other guidelines

1. Where there are multiple counts under any other guideline (except mandatory consecutive counts, see below), calculate the offense level for each count separately. (§3D1.1(b)(1) and (c))
2. For mandatory consecutive counts – 18 U.S.C. §§ 924(c) and 1028A – no need for calculation; the same as now, you just tack on the consecutive sentence via §5G1.2(a). (§3D1.1(e))

iv. Now that the counts have been calculated in the aggregate or individually, as appropriate, and you've added any additional levels under sub. (b) if they are applicable, now, the highest offense level (whether it had additional levels added or not) becomes *the* offense level – the one applicable to all counts. (Again, we're still ignoring the mandatory consecutive counts for now; they'll be tacked on later under §5G1.2(a).)

c. Impact of the amendment on relevant conduct

The relevant conduct rule previously cross-referenced the grouping rules at §1B1.3(a)(2). In order to prevent the new multi-count rules from altering relevant conduct, now, rather than cross-referencing the grouping rules, §1B1.3(a)(2) repurposes the content of the old grouping rules (at §1B1.3(d)), and then §1B1.3(a)(2) just cross-references sub. (d). *So there should not be any change to the relevant-conduct calculation, although it looks significantly different.*

II. Inflation adjustment to loss amounts in § 2B1.1 and elsewhere

a. Bottom line

The loss tables used in fraud and dollar amounts used in other guidelines have not been adjusted for inflation since 2015. This amendment adjusts these amounts for inflation, which will result in lesser enhancements in many cases.

b. Details

- i. The inflation adjustment is based on the Bureau of Labor Statistics' Consumer Price Index, as rounded using rules extrapolated from the Federal Civil Penalties Inflation Adjustment Act of 1990.
- ii. The new fraud loss table is at §§2B1.1(b)(1), but there are also related amendments to: §§2B1.4(b)(1) (insider trading), 2B1.5(b)(1) (certain thefts), 2B2.1(b)(2) (burglary), 2B2.3(b)(3) (trespass), §2B3.1(b)(7) (robbery), 2B3.2 (extortion), 2B3.3 (blackmail), 2B4.1 (bribery), 2B5.1 (counterfeiting), 2B5.3

(copyright/trademark infringement), 2B6.1 (offenses related to vehicle identification numbers), 2C1.1 (bribery), 2C1.2 (gratuities), 2C1.8 (campaign finance), 2E5.1 (certain bribes or gratuities), 2Q2.1 (wildlife offenses), 2R1.1 (bid-rigging or price-fixing), 2T3.1 (smuggling), 2T4.1 (tax table).

- iii. There are also inflationary adjustments to the fine tables at §5E1.2(c)(3) and §8C2.4.

III. Addition of “fentanyl related substances” to § 2D1.1

a. Bottom line

Congress in 2025 permanently scheduled all “fentanyl-related substances” under 21 U.S.C. § 812, with mandatory minimums the same as “fentanyl analogues.” This amendment simply adds this new statutory term to § 2D1.1.

b. Details

- i. The Drug Quantity Table (§2D1.1(c)) and the Drug Conversion Table (§2D1.1 app. note 8(D)) set new offense levels for “fentanyl-related substances” at precisely the same levels as fentanyl analogues
- ii. The enhancement at §2D1.1(b)(13), for marketing as another substance a substance containing fentanyl, now applies to “fentanyl-related substance” the same as it does to fentanyl and fentanyl analogues.
- iii. There is a special rule for fentanyl-related substances that are antagonistic to fentanyl or fentanyl analogues or are “significantly less potent” than fentanyl:

(K) The term “**Fentanyl-Related Substance**” is defined in 21 U.S.C. § 812(e). There is a rebuttable presumption that the base offense level specified in the Drug Quantity Table applies to fentanyl-related substances. However, if the defendant establishes either that the fentanyl-related substance (i) functions to block, diminish, or counteract the effect produced by fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, or (ii) is significantly less potent than fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), the court should instead determine the base offense level for the fentanyl-related substance using the converted drug weight of the most closely related controlled substance referenced in this guideline (as provided in Application Note 6 below).

IV. **Changes to Chapter 5, Part A, related to sentences other than imprisonment**

a. New introductory commentary

In order to acknowledge the full range of sentencing options before jumping to the sentencing table, which is only about months of imprisonment, the Commission added the following new commentary:

PART A — ~~SENTENCING TABLE~~ DETERMINATION OF SENTENCING RANGE AND SENTENCING OPTIONS

Introductory Commentary

By statute, sentencing courts must consider and balance a broad range of factors when determining the appropriate sentence to impose in each individual case. Among these factors, courts are required to consider “all available sentencing options.” 18 U.S.C. § 3553(a)(3). Each of the available sentencing options—imprisonment, probation, and fines—serves a punitive function, and the sentencing court must determine the option, or combination of options, that best achieve a sentence “sufficient, but not greater than necessary to comply with the purposes set forth in [18 U.S.C. § 3553(a)(2)].” 18 U.S.C. § 3553(a).

Congress charged the Commission with promulgating guidelines for sentencing courts to use in determining “whether to impose a sentence to probation, a fine, or a term of imprisonment” (see 28 U.S.C. § 994(a)(1)(A)). The provisions within Chapter Five, in combination, guide all aspects of determining the appropriate sentence under the guidelines, including the initial determination of sentence type. By clearly delineating the sentencing options available under the guidelines, the Commission intends for Part A of this chapter to assist courts in making this critical decision.

b. New description of the sentencing table

The Commission added a new detailed description of the sentencing table, which does not change anything. It contains description that was previously in the commentary and adds additional details regarding the table’s various zones.

V. **Deletion of rarely applied specific offense characteristics**

a. Bottom line

After finding that there were 26 specific offense characteristics that no court had applied over the past five fiscal years, the Commission simply deleted those SOC. They are:

- 2A5.1(b)(1) (+5 for death resulting)
- 2B1.5(b)(6) (+2 for brandishing a weapon)
- 2B2.3(b)(3) (increase for losses from invading a protected computer)
- 2B6.1(b)(3) (minimum level 14 for organized vehicle theft scheme)
- 2D1.1(b)(10) (+2 for conviction under 21 USC 841(g)(1)(A))
- 2D1.11(b)(2) (-3 if conviction under several specified statutes)
- 2D1.11(b)(5) (+2 if convicted under 21 USC 865)
- 2D1.12(b)(4) (+6 for involving anhydrous ammonia)
- 2D1.14(b)(1) (+6 if 3A1.4 does not apply)
- 2G3.2(b)(1) (+4 based on age/time of day)
- 2G3.2(b)(2) (+6 + amount from 2B1.1 loss table based on volume of commerce)
- 2H3.1(b)(2) (+8 if convicted under 18 USC 119 or +10 if same but used computer)
- 2J1.3(b)(1) (+8 if injured a person or property to suborn perjury)
- 2J1.6(b)(1) (-5 for voluntary surrender or -2 if were to report to halfway house)
- 2J1.9(b)(1) (+4 for payment to get a witness to refuse to testify)
- 2K1.5(b)(3) (-3 if weapon possession only unlawful under 49 USC 46505 and mere negligence)
- 2K2.6(b)(1) (+4 used body armor in connection with a felony)
- 2M4.1(b)(1) (+6 if during a time of compulsory military service)
- 2P1.1(b)(4) (+2 if were a law enforcement officer or DOJ employee)
- 2Q1.2(b)(5) (apply offense level for substantive environmental crime if that's what was concealed)
- 2Q1.3(b)(2) (+11 substantial likelihood of death or serious bodily injury)
- 2Q1.3(b)(5) ((apply offense level for substantive environmental crime if that's what was concealed)
- 2Q1.4(b)(1) (+2, 3, or 4 if injury)
- 2Q1.4(b)(2) (+4 if substantial cleanup funds or impair government)
- 2Q1.4(b)(3) (+2 if ongoing or repeated contaminant release)
- 2T1.9(b)(1) (+4 if violence involved to impede revenue collection)