

## **FAMMily Zoom call (March 25, 2026): Federal Policy Update Recap**

*The following is a recap of what FAMM General Counsel Shanna Rifkin shared with FAMM members on our Federal Policy Update Zoom call on March 25, 2026. Note: This is a condensed version of Shanna's remarks during the live call and is therefore somewhat conversational.*

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In terms of legislative updates, there are a few different buckets of bills that we are tracking and working on.

### **Federal Prison Oversight Act**

The first is related to FPOA, which is the Federal Prison Oversight Act. The FPOA had some really exciting news. In the Commerce Justice and Science Committee, Congress directed the Department of Justice to essentially start working on implementing FPOA. The issue is that they still need actual funding from Congress to do the job, but this is a really significant first step, and it demonstrates that this bill is still a priority and that implementing this is still a priority even in this deeply divided partisan Congress to continue to pressure the administration to start working on this. This development is very meaningful and a good sign of the political will to continue moving forward on FPOA.

We just concluded the appropriation cycle, where our federal director of legislative affairs spent a significant amount of time sending messages to members of Congress to ask for specific funding of the Federal Prison Oversight Act. Appropriations, again, is the way that bills get funded. You cannot do anything without money, and so you can't do anything without appropriation. You need members of Congress to earmark or flag funding for different legislative initiatives. One of the big things that FAMM worked on recently was asking different members of Congress during the appropriations cycle to fund the FPOA so that we can actually reap the benefits of that piece of legislation.

### **CARES Act Home Confinement Codification**

The other big initiative that FAM is working on right now is home confinement and trying to codify -- which essentially means to put into law -- the expanded authority that the director of the Bureau of Prisons had during the COVID pandemic to release certain populations to home confinement for longer periods of time than what is currently allowed under the Bureau of Prisons' authority. We have seen tremendous success from home confinement. In the fall of 2025, FAMM brought people who were put on home confinement from CARES Act to the Capital to lobby members of Congress about codifying CARES Act home confinement into law. People shared their stories with members of Congress about the

amazing things that they were able to do when they were actually able to be home instead of in a prison.

The best piece of evidence that we have about the success of CARES Act is that there's been over 12,000 people who were released early to home confinement under CARES Act, and the recidivism rate for that population is less than 1%, which is a very significant. That's kind of anti-recidivism, really, again showing that when you put people in the community instead of keeping them in custody, people can and do succeed. FAMM is working right now to find a Republican co-sponsor of that bill. Given the sort of politics and timing of things right now with the midterms coming up in November and some other legislative priorities, we probably won't see that bill until the fall after the midterms, but we're going to continue pushing it forward and advocating that members of Congress consider expanding authority to the BOP in this fashion.

To that end, we're going to be pushing out an action for our family members to take part in that will facilitate sharing your story about how home confinement and CARES Act allowed you and your loved ones to be together, to be involved in the community, to get jobs, to do really amazing things that you otherwise would not have had the opportunity to do. We want you to share those stories with members of Congress. FAMM's ethos is changing hearts and minds, and the way that we'll change hearts about expanding BOP's authority for home confinement is by them hearing your stories about what you were able to do with your time on home confinement.

### **Bill Tracking: Smarter Sentencing Act; Smarter Pretrial Detention for Drug Charges Act; Count the Crimes to Cut Act**

In terms of bill tracking, there are three bills that we're focused on tracking right now. The first two are bipartisan, and they are sponsored by Sens. Lee and Durbin. The first one is called the **Smarter Sentencing Act**. The Smarter Sentencing Act essentially reduces mandatory minimums for certain drug offenses. It doesn't get rid of mandatory minimums.

There are still mandatory minimums for drug offenses, but, for example, instead of 10 years, the bill would reduce some of those drug mandatory minimums to five years. Instead of 15 years, it would reduce the sentence to 10 years. So the Smarter Sentencing Act is significant, especially for people who have loved ones serving drug mandatory minimums. A lot of people have asked about retroactivity, and it's not per se retroactive, but there is language in the Smarter Sentencing Act that would allow people who are sentenced to the higher mandatory minimum to petition the court for a reduced sentence. What that means is that you're not guaranteed a reduced sentence, but you would have the opportunity to tell your sentencing judge why your sentence should be at that lower mandatory minimum threshold than the higher one that you were sentenced to. Then the judge would have to go through the sentencing factors that are set out in 18 United States

Code Section 35-53A, which sets out a number of factors, things like dangerousness, co-defendant disparities, the purposes of punishment, or the nature and history of the defendant.

The judge would have to go through all of those factors and then decide whether or not your sentence should be lower. Again, this bill is not passed. It has been introduced, but we don't know if this will go anywhere.

The second bill that we're tracking is the **Smarter Pretrial Detention for Drug Charges Act**.

Fundamental to our justice system is the idea that you're innocent until proven guilty, but even so, for a lot of people, they feel like they are guilty until proven innocent because they are put in custody pretrial. Pretrial custody is supposed to be used sparingly, and there should be a presumption in favor of release for most people, but for drug charges, there's actually a statutory presumption -- for certain drug charges -- in favor of detention. This legislation is aimed at changing that and making sure that for people who are eligible, they would actually not be facing a presumption of incarceration, but instead a presumption of freedom only to be overcome if there are certain factors that would counsel in favor of detention, such as people who are particularly high risk.

This is very important for people who have drug offenses. If you're in pretrial custody, it's really hard to get access to substance abuse treatment, any kind of counseling that you might need if you're going through withdrawal, things like that. So this could be really, really significant for that population.

The last bill that we're tracking and supporting is the **Count the Crimes to Cut Act**.

This bill is really important for transparency and to give everyone an understanding of all of the federal crimes that are in the book. There are a lot of crimes in the federal system, and many times we don't know what those crimes are. People don't know what the sentences are for those crimes, what the elements are to be held responsible for those crimes. That is a big problem. If we're going to take away someone's liberty, it's important that people have some understanding of at what point their liberty would be taken away.

Letting people know what crimes are out there, the elements that they need to meet in order to be convicted of that crime, and potential penalties is a really important step toward transparency in our criminal system.

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Here are some helpful links we shared during the call:

Count the Crimes to Cut Act: <https://famm.org/famm-supports-the-count-the-crimes-to-cut-act/>

The Federal Prison Oversight Act: <https://famm.org/fpoa-press-release/>

Proposed amendments, United States Sentencing Commission (USSC)

[Reader-Friendly Version of Proposed January 2026 Amendments to the Federal Sentencing Guidelines](#)

Recent comments from Famm to USSC:

[Famm Comment Jan 2026 Proposed Amendment | Families Against Mandatory Minimums Foundation](#)