

the DOT Agreement recognized that the alliance was still subject to the antitrust laws, that DOJ was continuing its review, and that DOT retained its authority to remedy any competitive harm.

Spirit Airlines Formal Complaint

On January 7, 2021, prior to execution and public release of the DOT Agreement, Spirit filed a formal complaint with DOT that was docketed in DOT-OST-2021-0001. In its complaint, Spirit requested an on-the-record investigation of the NEA to determine whether the NEA's implementation would constitute an unfair method of competition in violation of 49 U.S.C. 41712(a).⁶ Spirit also asserted that insufficient information about the NEA was made public during the Department's review, and that the remedies agreed to in the DOT Agreement were insufficient to address anticompetitive concerns.

Several entities, including other airlines, an airline association, a consumer advocacy organization, and a non-profit organization focused on competition, submitted comments supporting various aspects of Spirit's complaint.⁷ Those comments were filed after the public release of the DOT Agreement. American and JetBlue filed answers opposing Spirit's complaint.

DOJ Litigation

On September 21, 2021, after completing an extended review of the NEA, DOJ announced its determination that the NEA violates the antitrust laws

and that the agency has initiated action to enjoin the agreements. DOJ has shared with the Department its significant concerns with respect to the effect of the NEA on competition. The Department notes that the DOT Agreement does not, nor was it intended to, wholly address these concerns. The Department will work closely with DOJ should it seek data and documents that will help in the resolution of DOJ's action.

Because of the DOJ action, and to avoid duplicative or inconsistent proceedings, DOT is separately staying the proceedings in the Spirit formal complaint while the DOJ action is unresolved. Although the DOT Agreement remains in effect, the Department will continue coordinating with DOJ. The Department notes its own statutory authority to investigate and prohibit anticompetitive conduct if the situation warrants. However, the Department intends to defer to DOJ, as the primary enforcer of Federal antitrust laws, to resolve antitrust concerns with respect to the NEA. The Department believes that it would be inefficient and unhelpful to have two concurrent proceedings and therefore intends to defer any independent action until the DOJ antitrust litigation has concluded.

Issued this 21st Day of September, 2021, in Washington, DC.

John E. Putnam,

Acting General Counsel.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing updates to the identifying information of one or more persons currently included in the SDN List. All property and interests in property subject to U.S. jurisdiction of these persons remain blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202-622-2480; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.:

202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treasury.gov/ofac).

Notice of OFAC Actions

On September 22, 2021, OFAC updated the entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authorities listed below.

Individuals

1. BARAKZAI ANSARI, Haji Abdullah (a.k.a. ANSARI, Haji Abdullah; a.k.a. BARAKZAI, Haji Abdullah), c/o NEW ANSARI MONEY EXCHANGE, Afghanistan; National ID No. 10331 (Afghanistan) (individual) [SDNTK].

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BARAKZAI ANSARI, Haji Abdullah (a.k.a. ANSARI, Haji Abdullah; a.k.a. BARAKZAI, Haji Abdullah), Afghanistan; DOB 1962; nationality Afghanistan; Gender Male; National ID No. 10331 (Afghanistan) (individual) [SDNTK] (Linked To: NEW ANSARI MONEY EXCHANGE).

Designated pursuant to one or more of the criteria under the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b).

2. GHANI, Mohammad Nadeem (a.k.a. GHANI, Mohamed Nadim), c/o ZULEKHA GENERAL TRADING LLC, Ajman, United Arab Emirates; United Kingdom; citizen United Kingdom; Passport 093055372 (United Kingdom) (individual) [SDNTK].

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GHANI, Mohammad Nadeem (a.k.a. GHANI, Mohamed Nadim), United Kingdom; DOB Feb 1968; nationality United Kingdom; citizen United Kingdom; Gender Male; Passport 093055372 (United Kingdom) (individual) [SDNTK].

Designated pursuant to one or more of the criteria under the Kingpin Act.

3. KHALAF, Fuad Mohamed (a.k.a. KALAF, Fuad Mohamed; a.k.a. KALAF, Fuad Mohammed; a.k.a. KHALAF, Fuad; a.k.a. KHALIF, Fuad Mohamed; a.k.a. KHALIF, Fuad Mohammed; a.k.a. QALAF, Fuad Mohamed; a.k.a. SHANGOLE, Fuad; a.k.a. SHONGALE, Fouad; a.k.a.

from exercising those authorities, including but not limited to investigation and enforcement regarding: (1) Potentially unfair or deceptive practices; (2) potentially exclusionary practices; [or] (3) acquisition or operation of additional slots or gates not currently held by American or JetBlue."

⁶ The Department's authority to address competition concerns is separate and distinct from that of DOJ, covering a different scope of anticompetitive conduct than DOJ's authority. Under 49 U.S.C. 41712, the Department has authority to investigate and decide whether a carrier has been or is engaging in an unfair method of competition in air transportation. The Department prohibits anticompetitive conduct that (1) violates the antitrust laws, (2) is not yet serious enough to violate the antitrust laws but may well do so if left unchecked, or (3) although not a violation of the letter of the antitrust laws, is close to a violation or is contrary to their spirit. See, e.g., *ASTA v. United et al.*, DOT Order 2002-9-2 (Sep. 4, 2002), citing *E.I. Du Pont de Nemours and Co. v. Federal Trade Commission*, 729 F.2d 128, 136-137 (2d Cir. 1984). *E.I. Du Pont de Nemours* interpreted the Federal Trade Commission's authority under 15 U.S.C. 45, upon which 49 U.S.C. 41712 is based.

⁷ The organizations included the National Air Carrier Association, Southwest Airlines, United Airlines, Travelers United, the American Antitrust Institute, Airports Council International—North America, and the Service Employees International Union.

SHONGALE, Fuad; a.k.a. SHONGOLE, Fuad; a.k.a. SHONGOLE, Fuad Muhammad Khalaf; a.k.a. SONGALE, Fuad), Mogadishu, Somalia; nationality Somalia; alt. nationality Sweden (individual) [SOMALIA].

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KHALAF, Fuad Mohamed (a.k.a. KALAF, Fuad Mohamed; a.k.a. KALAF, Fuad Mohammed; a.k.a. KHALAF, Fuad Mohamed; a.k.a. KHALIF, Fuad Mohammed; a.k.a. QALAF, Fuad Mohamed; a.k.a. SHANGOLE, Fuad; a.k.a. SHONGALE, Fouad; a.k.a. SHONGALE, Fuad; a.k.a. SHONGOLE, Fuad; a.k.a. SHONGOLE, Fuad Muhammad Khalaf; a.k.a. SONGALE, Fuad), Mogadishu, Somalia; DOB 28 Mar 1965; alt. DOB 28 May 1965; POB Somalia; nationality Somalia; alt. nationality Sweden; Gender Male (individual) [SOMALIA].

Designated pursuant to one or more of the criteria set forth in Executive Order 13536 of April 12, 2010, "Blocking Property of Certain Persons Contributing to the Conflict in Somalia."

4. OCHOA GUISAO, Walter, Colombia; POB Colombia; nationality Colombia; citizen Colombia; Cedula No. 10179825 (Colombia) (individual) [SDNTK].

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OCHOA GUISAO, Walter, Colombia; DOB 23 Dec 1972; POB Santa Fe, Colombia; nationality Colombia; citizen Colombia; Gender Male; Cedula No. 10179825 (Colombia) (individual) [SDNTK].

Designated pursuant to one or more of the criteria under the Kingpin Act.

5. RANGEL SILVA, Henry de Jesus, Caracas, Venezuela; Cedula No. 5.764.952 (Venezuela); alt. Cedula No. V-5.764.952 (Venezuela); Director, Venezuelan Directorate of Intelligence and Prevention Services ("DISIP") (individual) [SDNTK].

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RANGEL SILVA, Henry de Jesus, Caracas, Venezuela; DOB 28 Aug 1961; nationality Venezuela; Gender Male; Cedula No. 5.764.952 (Venezuela); alt. Cedula No. V-5.764.952 (Venezuela); Director, Venezuelan Directorate of Intelligence and Prevention Services ("DISIP") (individual) [SDNTK].

Designated pursuant to one or more of the criteria under the Kingpin Act.

6. RODRIGUEZ CHACIN, Ramon Emilio, Venezuela; Cedula No. 3169119 (Venezuela); Former Minister of Interior and Justice of Venezuela (individual) [SDNTK].

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RODRIGUEZ CHACIN, Ramon Emilio, Venezuela; DOB 25 Sep 1949; nationality Venezuela; Gender Male; Cedula No. 3169119 (Venezuela); Passport 045723759 (Venezuela); Former Minister of Interior and Justice of Venezuela (individual) [SDNTK].

Designated pursuant to one or more of the criteria under the Kingpin Act.

7. TORRES MARTINEZ, Camilo, c/o REPUESTOS EL NATO Y CIA LTDA., Medellin, Colombia; c/o MI CARRO E.U., Medellin, Colombia; c/o AGROPECUARIA HATO SANTA MARIA LTDA., Medellin, Colombia; Colombia; POB Colombia; nationality Colombia; citizen Colombia; Cedula No. 71984381 (Colombia) (individual) [SDNTK].

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TORRES MARTINEZ, Camilo, Colombia; DOB 31 Oct 1975; POB Unguia, Choco, Colombia; nationality Colombia; citizen Colombia; Gender Male; Cedula No. 71984381 (Colombia) (individual) [SDNTK].

Designated pursuant to one or more of the criteria under the Kingpin Act.

Entity

1. ZULEKHA GENERAL TRADING LLC (a.k.a. ZULEIKHA GENERAL TRADING; a.k.a. ZULIKHA GENERAL TRADING), P.O. Box 5456, Ajman, United Arab Emirates; C.R. No. 32035 (United Arab Emirates) [SDNTK].

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ZULEKHA GENERAL TRADING LLC (a.k.a. ZULEIKHA GENERAL TRADING; a.k.a. ZULIKHA GENERAL TRADING), P.O. Box 5456, Ajman, United Arab Emirates; C.R. No. 32035 (United Arab Emirates) [SDNTK] (Linked To: GHANI, Mohammad Nadeem).

Designated pursuant to one or more of the criteria under the Kingpin Act.

Dated: September 22, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets

Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date.

FOR FURTHER INFORMATION CONTACT:

OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treasury.gov/ofac).

Notice of OFAC Action

On September 22, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. MARTINEZ RENTERIA, Gilberto (a.k.a. "EL 50"; a.k.a. "EL CINCUENTA"; a.k.a. "EL GILIO"), Mexico; DOB 14 May 1987; POB Nogales, Sonora, Mexico; nationality Mexico; Gender Male; C.U.R.P. MARG870514HSRRNL00 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of, Sergio VALENZUELA VALENZUELA.

2. GONZALEZ HIGUERA, Jaime Humberto (a.k.a. "EL TUNCO"; a.k.a. "TUNCO"), Mexico; DOB 25 Mar 1986; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. GOHJ860325HSLNGM02 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Foreign Narcotics Kingpin Designation Act (Kingpin Act), 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of, Sergio VALENZUELA VALENZUELA.