

interests in property, subject to U.S. jurisdiction, of foreign persons who are found to be: (1) 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 a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On September 15, 2011, the Director of OFAC designated four individuals whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act. The list of the designees is as follows:

1. VASQUEZ HERNANDEZ, Alfredo (a.k.a. VAZQUEZ HERNANDEZ, Alfredo; a.k.a. VASQUES HERNANDEZ, Alfredo; a.k.a. "Alfredo Compadre"; a.k.a. BAZAN OROZCO, Alberto; a.k.a. "Don Alfredo"); Manuel Clouthier #486, Colonia Prados Vallarta, Guadalajara, Jalisco, Mexico; Plaza Del Sol Local #28, Zona R, Guadalajara, Jalisco, Mexico; Paseo Del Heliotropo 3426, Monraz, Guadalajara, Jalisco, Mexico; DOB 09 Aug 1955; POB Jalisco, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. VAHA550809HJCZRL02 (Mexico); Passport 02140193905 (Mexico); Passport 97140107075 (Mexico); (INDIVIDUAL) [SDNTK]
2. GALAVIZ MARTIN, Mayra (a.k.a. "Naida"); Manuel Clouthier #486, Colonia Prados Vallarta, Guadalajara, Jalisco, Mexico; Plaza Del Sol Local #28, Zona R, Guadalajara, Jalisco, Mexico; Paseo Del Heliotropo 3426, Monraz, Guadalajara, Jalisco, Mexico; DOB 19 Jan 1973; POB Jalisco, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. GAMM730119MJCLRY08 (Mexico); Passport 06140255887 (Mexico); (INDIVIDUAL) [SDNTK]
3. BELLOSO RODRIGUEZ, Miguel Angel (a.k.a. BELLOZO RODRIGUEZ, Miguel Angel); Guadalajara, Jalisco, Mexico; DOB 25 Mar 1970; POB Jalisco, Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. BERM700325HJCLDG04 (Mexico); (INDIVIDUAL) [SDNTK]
4. BELLOSO RODRIGUEZ, Daniel (a.k.a. BELLOZO RODRIGUEZ, Daniel); Joaquin Aguirre 788, Guadalajara, Jalisco, Mexico; DOB 12 Oct 1973; POB Mexico; Citizen Mexico; Nationality Mexico; C.U.R.P. BERD731012HJCLDN07 (Mexico); (INDIVIDUAL) [SDNTK]

Dated: September 15, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

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UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final action regarding technical and conforming amendments to Federal sentencing guidelines effective November 1, 2011.

SUMMARY: On April 28, 2011, the Commission submitted to the Congress amendments to the sentencing guidelines and official commentary, which become effective on November 1, 2011, unless Congress acts to the contrary. Such amendments and the reasons for amendment subsequently were published in the **Federal Register**, 76 FR 24960 (May 3, 2011). The Commission has made technical and conforming amendments, set forth in this notice, to commentary provisions related to those amendments.

DATES: The Commission has specified an effective date of November 1, 2011, for the amendments set forth in this notice.

FOR FURTHER INFORMATION CONTACT: Jeanne Doherty, Office of Legislative and Public Affairs, (202) 502-4502.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission, an independent commission in the judicial branch of the United States government, is authorized by 28 U.S.C. 994(a) to promulgate sentencing guidelines and policy statements for Federal courts. Section 994 also directs the Commission to review and revise periodically promulgated guidelines and authorizes it to submit guideline amendments to Congress not later than the first day of May each year. *See* 28 U.S.C. 994(o), (p). Absent an affirmative disapproval by Congress within 180 days after the Commission submits its amendments, the amendments become effective on the date specified by the Commission (typically November 1 of the same calendar year). *See* 28 U.S.C. 994(p).

Unlike amendments made to sentencing guidelines, amendments to commentary may be made at any time and are not subject to congressional review. To the extent practicable, the Commission endeavors to include

amendments to commentary in any submission of guideline amendments to Congress. Occasionally, however, the Commission determines that technical and conforming changes to commentary are necessary. This notice sets forth technical and conforming amendments to commentary that will become effective on November 1, 2011.

Authority: USSC Rules of Practice and Procedure 4.1.

Patti B. Saris,
Chair.

1. *Amendment:* The Commentary to § 2D1.1 captioned "Application Notes" is amended in Note 3(A) by striking ", and 2D2.1(b)(1)"; and inserting "and" before "2D1.12(c)(1)".

The Commentary to § 2J1.1 captioned "Application Notes" is amended in each of Note 2 and Note 3 by striking "\$ 2B1.1(b)(8)(C)" and inserting "\$ 2B1.1(b)(9)(C)".

The Commentary to § 2K2.4 captioned "Application Notes" is amended in Note 4 in the third paragraph by striking "\$ 2K2.1(b)(6)" and inserting "\$ 2K2.1(b)(6)(B)" in both places.

The Commentary following § 3D1.5 captioned "Illustrations of the Operation of the Multiple-Count Rules" is amended in Note 3 by striking "\$ 2B1.1(b)(9)" and inserting "\$ 2B1.1(b)(10)".

Reason for Amendment: This amendment makes certain technical and conforming changes in connection with certain recently promulgated amendments. *See* 76 FR 24960 (May 3, 2011). The technical and conforming changes are as follows:

(1) Amendment 1 renumbered specific offense characteristics in § 2B1.1 (Theft, Property Destruction, and Fraud), including the specific offense characteristic for violation of a prior, specific order (from (b)(8)(C) to (b)(9)(C)) and the specific offense characteristic for sophisticated means (from (b)(9) to (b)(10)). To reflect these renumberings, conforming changes are made to Application Notes 2 and 3 to § 2J1.1 (Contempt) and to the Commentary following § 3D1.5 (Determining the Total Punishment).

(2) Amendment 2 amended § 2D2.1 (Unlawful Possession; Attempt or Conspiracy) to delete a cross-reference at subsection (b)(1). To reflect this deletion, a conforming change is made to Application Note 3(A) to § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy).

(3) Amendment 5 renumbered the specific offense characteristic in § 2K2.1 (Unlawful Receipt, Possession, or

Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) for using or possessing a firearm in connection with another felony offense from (b)(6) to (b)(6)(B). To reflect this renumbering, conforming changes are made to Application Note 4 to § 2K2.4 (Use of Firearm, Armor-Piercing Ammunition, or Explosive During or in Relation to Certain Crimes).

[FR Doc. 2011-24193 Filed 9-20-11; 8:45 am]

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UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of final priorities.

SUMMARY: In July 2011, the Commission published a notice of possible policy priorities for the amendment cycle ending May 1, 2012. See 76 FR 45007 (July 17, 2011). After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

FOR FURTHER INFORMATION CONTACT: Jeanne Doherty, Office of Legislative and Public Affairs, 202-502-4502.

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 sentencing 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).

As part of its statutory authority and responsibility to analyze sentencing issues, including operation of the Federal sentencing guidelines, the Commission has identified its policy priorities for the amendment cycle ending May 1, 2012. The Commission recognizes, however, that other factors, such as the enactment of any legislation requiring Commission action, may affect the Commission's ability to complete work on any or all of its identified priorities by the statutory deadline of May 1, 2012. Accordingly, it may be necessary to continue work on any or all

of these issues beyond the amendment cycle ending on May 1, 2012.

As so prefaced, the Commission has identified the following priorities:

(1) Continuation of its work on statutory mandatory minimum penalties, including (A) its study of and, pursuant to the directive in section 4713 of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, Public Law 111-84, report to Congress on statutory mandatory minimum penalties, including a review of the operation of the "safety valve" provision at 18 U.S.C. 3553(e); and (B) its study of and, pursuant to the directive in section 107(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, Public Law 111-195, report to Congress regarding violations of section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)), sections 38, 39, and 40 of the Arms Export Control Act (22 U.S.C. 2778, 2779, and 2780), and the Trading with the Enemy Act (50 U.S.C. App. 1 *et seq.*).

(2) Continuation of its work on implementation of the directives in section 1079A of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, regarding securities fraud offenses and fraud offenses relating to financial institutions or Federally related mortgage loans; and implementation of any other crime legislation enacted during the 111th or 112th Congress warranting a Commission response.

(3) Continuation of its work with the congressional, executive, and judicial branches of government, and other interested parties, to study the manner in which *United States v. Booker*, 543 U.S. 220 (2005), and subsequent Supreme Court decisions have affected Federal sentencing practices, the appellate review of those practices, and the role of the Federal sentencing guidelines. The Commission anticipates that it will issue a report with respect to its findings, possibly including (A) An evaluation of the impact of those decisions on the Federal sentencing guideline system; (B) development of recommendations for legislation regarding Federal sentencing policy; (C) an evaluation of the appellate standard of review applicable to post-*Booker* Federal sentencing decisions; and (D) possible consideration of amendments to the Federal sentencing guidelines.

(4) Continuation of its multi-year review of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) and possible consideration of amendments to the

Federal sentencing guidelines for drug offenses.

(5) Continuation of its review of child pornography offenses and report to Congress as a result of such review. It is anticipated that any such report would include (A) A review of the incidence of, and reasons for, departures and variances from the guideline sentence; (B) a compilation of studies on, and analysis of, recidivism by child pornography offenders; and (C) possible recommendations to Congress on any statutory changes that may be appropriate.

(6) Continuation of its multi-year study of the statutory and guideline definitions of "crime of violence", "aggravated felony", "violent felony", and "drug trafficking offense", including (A) Possible consideration of an amendment to specify the types of documents to be considered under the "categorical approach", *see Taylor v. United States*, 495 U.S. 575 (1990); *Shepard v. United States*, 544 U.S. 13 (2005), for determining the applicability of guideline enhancements; (B) an examination of relevant circuit conflicts regarding whether any offense is categorically a "crime of violence", "aggravated felony", "violent felony", or "drug trafficking offense" for purposes of triggering an enhanced sentence under certain Federal statutes and guidelines; and (C) possible report to Congress making recommendations on any statutory changes that may be appropriate to relevant statutes, such as 8 U.S.C. 1326.

(7) Continuation of its review of departures within the guidelines, including provisions in Parts H and K of Chapter Five of the *Guidelines Manual*, and the extent to which pertinent statutory provisions prohibit, discourage, or encourage certain factors as forming the basis for departure from the guideline sentence.

(8) Continuation of its multi-year review of the guidelines and their application to human rights offenses, including genocide under 18 U.S.C. 1091, war crimes under 18 U.S.C. 2441, torture and maiming to commit torture under 18 U.S.C. 2340A and 114, respectively, and child soldier offenses under 18 U.S.C. 2442, and possible promulgation of guidelines or guideline amendments with respect to these offenses.

(9) Resolution of circuit conflicts, pursuant to the Commission's continuing authority and responsibility, under 28 U.S.C. 991(b)(1)(B) and *Braxton v. United States*, 500 U.S. 344 (1991), to resolve conflicting interpretations of the guidelines by the Federal courts.