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Dated: November 3, 2022.

**Andrea Gacki,**

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

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## DEPARTMENT OF THE TREASURY

### Potential Federal Insurance Response to Catastrophic Cyber Incidents

**AGENCY:** Departmental Offices, Treasury.

**ACTION:** Request for comments; extension of comment period.

**SUMMARY:** On September 29, 2022, Treasury published a Notice that invited the public to comment on questions related to cyber insurance and catastrophic cyber incidents in order to inform a joint assessment being conducted by the Department of the Treasury's Federal Insurance Office (FIO) and the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) into "the extent to which risks to critical infrastructure from catastrophic cyber incidents and potential financial exposures warrant a federal insurance response." The purpose of this notice is to extend the comment period for a period of one month until December 14, 2022 and provide more time for interested parties to provide comments.

**DATES:** The comment period for the notice published at 87 FR 59161 on September 29, 2022, is extended. Responses must be received by December 14, 2022 to be assured of consideration.

**ADDRESSES:** Please submit comments electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. All comments should be captioned with "Potential Federal Insurance Response to Catastrophic Cyber Incidents." Please include your name, organization (if applicable), and email addresses. Where appropriate, a comment should include a short executive summary. In general, comments received will be posted on <http://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public

record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**FOR FURTHER INFORMATION CONTACT:**

Richard Ifft, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, (202) 622-2922, [Richard.Ifft@treasury.gov](mailto:Richard.Ifft@treasury.gov), Jeremiah Pam, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, (202) 622-7009, [Jeremiah.Pam2@treasury.gov](mailto:Jeremiah.Pam2@treasury.gov), Philip Goodman, Senior Insurance Regulatory Policy Analyst (202) 622-1170, [Philip.Goodman@treasury.gov](mailto:Philip.Goodman@treasury.gov). Persons who have difficulty hearing or speaking may access these numbers via TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** On June 21, 2022, the Government Accountability Office (GAO) issued a report, *Cyber Insurance: Action Needed to Assess Potential Federal Response to Catastrophic Attacks*. (GAO Report).<sup>1</sup> The GAO Report addressed the catastrophic risk of cyber incidents and the potential adoption of a federal insurance response to such cyber incidents. The GAO Report concluded that a full evaluation of whether there should be a federal insurance response in connection with catastrophic cyber risks would be best addressed by FIO (given its statutory authorities, including monitoring of the insurance sector and assisting the Secretary with administration of Terrorism Risk Insurance Program) and CISA (given its expertise in connection with cyber and physical risks to U.S. infrastructure) in a joint assessment to be provided to Congress. Both FIO and CISA accepted the GAO recommendation to conduct such a joint assessment.

On September 29, 2022, Treasury published a Notice in the **Federal Register** to request public comment related to cyber insurance and catastrophic cyber incidents.<sup>2</sup> The Notice requested that respondents address certain questions and stated that comments must be received by November 14, 2022 to be assured of consideration. This notice announces the extension of the comment period in order to give additional time for

<sup>1</sup> GAO, *Cyber Insurance: Action Needed to Assess Potential Federal Response to Catastrophic Attacks* (2022), <https://www.gao.gov/products/gao-22-104256>.

<sup>2</sup> Potential Federal Insurance Response to Catastrophic Cyber Incidents, 87 FR 59161 (September 29, 2022), <https://www.federalregister.gov/documents/2022/09/29/2022-21133/potential-federal-insurance-response-to-catastrophic-cyber-incidents>.

interested parties to provide comments. Responses must be received by December 14, 2022 to be assured of consideration.

**Steven E. Seitz,**

Director, Federal Insurance Office.

[FR Doc. 2022-24476 Filed 11-8-22; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Internal Revenue Service (IRS) Information Collection Request

**AGENCY:** Departmental Offices, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

**DATES:** Comments should be received on or before December 9, 2022 to be assured of consideration.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Copies of the submissions may be obtained from Melody Braswell by emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622-1035, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

**SUPPLEMENTARY INFORMATION:**

#### Internal Revenue Service (IRS)

*Title:* U.S. Income Tax Return for Electing Alaska Native Settlement Trusts.

*OMB Number:* 1545-1776.

*Form Number:* 1041-N.

*Abstract:* An Alaska Native Settlement Trust (ANST) may elect under section 646 to have the special income tax treatment of that section apply to the trust and its beneficiaries. This one-time election is made by filing Form 1041-N which is used by the ANST to report its income, etc., and to compute and pay any income tax. Form 1041-N is also used for the special

information reporting requirements that apply to ANSTs.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Reinstatement of a previously approved collection.

*Affected Public:* Business or other for-profit Organizations.

*Estimated Number of Respondents:* 20.

*Estimated Time per Response:* 40 mins.

*Estimated Total Annual Burden Hours:* 793.

*Authority:* 44 U.S.C. 3501 *et seq.*

**Melody Braswell,**

Treasury PRA Clearance Officer.

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## UNITED STATES SENTENCING COMMISSION

### Final Priorities for Amendment Cycle

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final priorities.

**SUMMARY:** In October 2022, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2023. 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:** Jennifer Dukes, Senior Public Affairs Specialist, (202) 502-4500, [pubaffairs@ussc.gov](mailto:pubaffairs@ussc.gov).

**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 Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p). See 87 FR 60438 (October 5, 2022).

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, 2023. Other factors, such as legislation requiring Commission

action, may affect the Commission's ability to complete work on any or all identified priorities by May 1, 2023. Accordingly, the Commission may continue work on any or all identified priorities after that date or may decide not to pursue one or more identified priorities.

Pursuant to 28 U.S.C. 994(g), the Commission intends to consider the issue of reducing costs of incarceration and overcapacity of prisons, to the extent it is relevant to any identified priority.

The Commission has identified the following priorities for the amendment cycle ending May 1, 2023:

(1) Consideration of possible amendments to § 1B1.13 (Reduction in Term of Imprisonment Under 18 U.S.C. 3582(c)(1)(A) (Policy Statement)) to (A) implement the First Step Act of 2018 (Pub. L. 115-391); and (B) further describe what should be considered extraordinary and compelling reasons for sentence reductions under 18 U.S.C. 3582(c)(1)(A).

(2) Consideration of possible amendments to section 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)), section 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), section 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases), and related provisions in the *Guidelines Manual*, to implement the First Step Act of 2018 (Pub. L. 115-391).

(3) Consideration of possible amendments to § 2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition) to (A) implement the Bipartisan Safer Communities Act (Pub. L. 117-159); and (B) make any other changes that may be warranted to appropriately address firearms offenses.

(4) Resolution of circuit conflicts as warranted, pursuant to the Commission's authority under 28 U.S.C. 991(b)(1)(B) and *Braxton v. United States*, 500 U.S. 344 (1991), including the circuit conflicts concerning (A) whether the government may withhold a motion pursuant to subsection (b) of section 3E1.1 (Acceptance of Responsibility) because a defendant moved to suppress evidence; and (B) whether an offense must involve a substance controlled by the Controlled Substances Act (21 U.S.C. 801 *et seq.*) to qualify as a "controlled substance offense" under subsection (b) of section 4B1.2 (Definitions of Terms Used in Section 4B1.1).

(5) Implementation of any legislation warranting Commission action.

(6) Continuation of its multiyear work on section 4B1.2 (Definitions of Terms Used in Section 4B1.1), including possible amendments to (A) provide an alternative approach to the "categorical approach" in determining whether an offense is a "crime of violence" or a "controlled substance offense"; and (B) address various application issues, including the meaning of "robbery" and "extortion," and the treatment of inchoate offenses and offenses involving an offer to sell a controlled substance.

(7) In light of Commission studies, consideration of possible amendments to the *Guidelines Manual* relating to criminal history to address (A) the impact of "status" points under subsection (d) of section 4A1.1 (Criminal History Category); (B) the treatment of defendants with zero criminal history points; and (C) the impact of simple possession of marijuana offenses.

(8) Consideration of possible amendments to the *Guidelines Manual* addressing 28 U.S.C. 994(j).

(9) Consideration of possible amendments to the *Guidelines Manual* to prohibit the use of acquitted conduct in applying the guidelines.

(10) Consideration of possible amendments to the *Guidelines Manual* to address sexual abuse or contact offenses against a victim in the custody, care, or supervision of, and committed by law enforcement or correctional personnel.

(11) Multiyear study of the *Guidelines Manual* to address case law concerning the validity and enforceability of guideline commentary.

(12) Continuation of its multiyear examination of the structure of the guidelines post-*Booker* to simplify the guidelines while promoting the statutory purposes of sentencing.

(13) Multiyear study of court-sponsored diversion and alternatives-to-incarceration programs (e.g., Pretrial Opportunity Program, Conviction And Sentence Alternatives (CASA) Program, Special Options Services (SOS) Program), including consideration of possible amendments to the *Guidelines Manual* that might be appropriate.

(14) Consideration of other miscellaneous issues, including possible amendments to (A) section 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses)) to address offenses involving misrepresentation or marketing of a controlled substance as another substance; (B) section 3D1.2 (Grouping of Closely Related Counts) to address