

## UNITED STATES SENTENCING COMMISSION

### Sentencing Guidelines for United States Courts

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final action regarding amendments to federal sentencing guidelines effective November 1, 2005.

**SUMMARY:** On April 29, 2005, the Commission submitted to Congress amendments to the federal sentencing guidelines. (See 70 FR 24852, May 11, 2005). The Commission has made technical and conforming amendments to commentary provisions related to those amendments. The Commission hereby gives notice of these commentary amendments.

**DATES:** The Commission has specified an effective date of November 1, 2005, for the amendments set forth in this notice.

**FOR FURTHER INFORMATION CONTACT:** Michael Courlander, Public Affairs Officer, Telephone: (202) 502-4590.

**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 the 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). 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 in order to execute correctly the amendments submitted to Congress. This notice sets forth technical and conforming amendments to commentary related to the amendments submitted to Congress on April 29, 2005, that will become effective on November 1, 2005.

**Authority:** USSC Rules of Practice and Procedure 4.1.

**Ricardo H. Hinojosa,**  
*Chair.*

#### 1. Amendment

The Commentary to § 2J1.6 captioned "Application Notes" is amended in Note 3 in the second paragraph in the fourth sentence by striking "See § 3D1.1(b)" and inserting "See § 3D1.1(b)(1)".

The Commentary to § 2K2.1 captioned "Statutory Provisions", as amended by Amendment 3 submitted to Congress on April 29, 2005, (70 FR 24855.; USSG App. C (amendment 677)), is amended by striking "(e)-(h), (j)-(n)" and inserting "(e)-(i), (k)-(o)".

The Commentary to § 2P1.2 captioned "Application Notes" is amended in Note 2 in the fourth sentence by striking "See § 3D1.1(b)" and inserting "See § 3D1.1(b)(1)".

The Commentary to § 3D1.1 captioned "Application Note" is amended in Note 1 in the first paragraph by striking "Subsection (b)" and inserting "Subsection (b)(1)"; in the fourth sentence by striking "subsection (b)" and inserting "subsection (b)(1)"; and in the second paragraph by striking "subsection (b)" and inserting "subsection (b)(1)".

The Commentary to § 3D1.2 captioned "Application Notes" is amended in Note 1 by striking "See § 3D1.1(b)" and inserting "See § 3D1.1(b)(1)".

The Commentary to § 5G1.2 captioned "Application Notes", as amended by Amendment 1 submitted to Congress on April 29, 2005 (70 FR 24852; USSG App. C (amendment 675)), is amended in Note 2 in subdivision (A) by striking "(A) specifies" and inserting "(i) specifies" and by striking "(B) requires" and inserting "(ii) requires"; and in subdivision (B)(ii) by striking "(Multiple Counts)" and inserting "(Groups of Closely Related Counts)".

Appendix A (Statutory Index), as amended by Amendment 3 submitted to Congress on April 29, 2005, (70 FR 24855; USSG App. C (amendment 677)), is amended by striking the following:

"18 U.S.C. 924(i)(1) 2A1.1, 2A1.2  
18 U.S.C. 924(i)(2) 2A1.3, 2A1.4  
18 U.S.C. 924(j)-(n) 2K2.1".

and inserting the following:

"18 U.S.C. 924(i) 2K2.1  
18 U.S.C. 924(j)(1) 2A1.1, 2A1.2  
18 U.S.C. 924(j)(2) 2A1.3, 2A1.4  
18 U.S.C. 924(k)-(o) 2K2.1".

**Reason for Amendment:** This amendment makes various technical and conforming changes in order to implement more fully amendments

submitted to Congress on April 29, 2005 (70 FR 24852-24856).

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**BILLING CODE 2210-01-P**

## SMALL BUSINESS ADMINISTRATION

### Surety Bond Guarantee Program Fees

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Notice of fee increase.

**SUMMARY:** This notice increases the guarantee fee charged on each guaranteed bond (other than a bid bond) and payable by surety companies participating in SBA's Surety Bond Guarantee (SBG) Program from 20% of the bond premium to 32% of the bond premium, effective April 3, 2006. SBA has determined that the fee increase is necessary to supplement reserves in the SBG Program's revolving fund to better offset unfunded program liabilities resulting from claims filed by sureties under SBA's guarantee. This notice also addresses comments received by SBA in response to the notice proposing the fee increase, which was published in the **Federal Register** on August 15, 2005.

**DATES:** This fee increase is effective on April 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** Barbara Brannan, Special Assistant, Office of Surety Guarantees, (202) 205-6545; [Barbara.Brannan@sba.gov](mailto:Barbara.Brannan@sba.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On August 15, 2005, SBA published a notice in the **Federal Register** proposing to increase the guarantee fee payable by sureties participating in the SBG Program (Sureties) from the present 20% to 32% of the bond premium, effective October 1, 2005, and requested comments on the proposal (70 FR 47874). In response to SBA's notice and request for public comments, which had a 30-day public comment period, SBA received 38 written comments. The commenters included four industry associations (three letters, one signed jointly); three surety companies (each one currently participating in the SBG Program); 18 contractors (who have or had SBA guaranteed bonding through the SBG Program), 13 surety agents, and one Certified Public Accountant. Two commenters supported the fee increase. Thirty-six of the 38 commenters opposed the fee increase. The comments are addressed below.