

As so prefaced, the Commission has identified the following tentative 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 111B84, 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 111B195, 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 111B203, 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.

(10) Consideration of (A) § 5K2.19 (Post-Sentencing Rehabilitative Efforts) (Policy Statement) in light of *Pepper v. United States*, 131 S.Ct. 1229 (March 2, 2011); (B) whether to provide a specific reference for N-Benzylpiperazine (BZP) in the Drug Quantity Table in § 2D1.1; and (C) any other miscellaneous guideline application issues coming to the Commission’s attention from case law and other sources.

The Commission hereby gives notice that it is seeking comment on these tentative priorities and on any other issues that interested persons believe the Commission should address during the amendment cycle ending May 1, 2012. To the extent practicable, public comment should include the following: (1) A statement of the issue, including, where appropriate, the scope and manner of study, particular problem areas and possible solutions, and any other matters relevant to a proposed priority; (2) citations to applicable sentencing guidelines, statutes, case law, and constitutional provisions; and (3) a direct and concise statement of why the Commission should make the issue a priority.

**Authority:** 28 U.S.C. 994(a), (o); USSC Rules of Practice and Procedure 5.2.

**Patti B. Saris,**  
*Chair.*

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## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New; DBQs—Group 4]

### Proposed Information Collection (Disability Benefits Questionnaires—Group 4) Activity: Comment Request

**AGENCY:** . Department of Veterans Affairs, Veterans Benefits Administration

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to obtain medical

evidence to adjudicate a claim for disability benefits.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before September 26, 2011.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900–New (DBQs—Group 4)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 461–9769 or Fax (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Titles:**

a. Cranial Nerves Diseases Disability Benefits Questionnaire, VA Form 21–0960C3.

b. Narcolepsy Disability Benefits Questionnaire, VA Form 21–0960C6.

c. Fibromyalgia Disability Benefits Questionnaire, VA Form 21–0960C7.

d. Seizure Disorders (Epilepsy) Disability Benefits Questionnaire, VA Form 21–0960C11.

e. Oral and Dental including Mouth, Lips, and Tongue (other than Temporomandibular Joint Conditions) Disability Benefits Questionnaire, VA Form 21–0960D1.

f. Endocrine Diseases (other than Thyroid, Parathyroid or Diabetes Mellitus) Disability Benefits

Questionnaire, VA Form 21–0960–E–2.  
g. Thyroid & Parathyroid Conditions Disability Benefits Questionnaire, VA Form 21–0960–E–3.

h. Abdominal, Inguinal, and Femoral Hernias Disability Benefits Questionnaire, VA Form 21–0960–H–1.

i. HIV-Related Illnesses Disability Benefits Questionnaire, VA Form 21–0960–I–2.

j. Infectious Diseases Other Than HIV-Related Illness, Chronic Fatigue Syndrome, and Tuberculosis Disability Benefits Questionnaire, VA Form 21–0960–I–3.

k. Systemic Lupus Erythematosus (SLE) and Other Immune Disorders (except HIV) and Other Autoimmune Diseases (other than HIV and Diabetes Mellitus Type I) Disability Benefits Questionnaire, VA Form 21–0960–I–4.

l. Nutritional Deficiencies Disability Benefits Questionnaire, VA Form 21–0960–I–5.

m. Urinary Tract (including Bladder & Urethra) Conditions (excluding Male Reproductive System) Disability Benefits Questionnaire, VA Form 21–0960–J–4.

n. Respiratory Conditions (other than Tuberculosis and Sleep Apnea) Disability Benefits Questionnaire, VA Form 21–0960–L–1.

o. Loss of Sense of Smell and/or Taste Disability Benefits Questionnaire, VA Form 21–0960–N–3.

p. Sinusitis/Rhinitis and Other Conditions of the Nose, Throat, Larynx, and Pharynx Disability Benefits Questionnaire, VA Form 21–0960–N–4.

q. Chronic Fatigue Syndrome Disability Benefits Questionnaire, VA Form 21–0960–Q–1.

**OMB Control Number:** 2900–New (DBQs—Group 4).

**Type of Review:** New collection.

**Abstract:** Data collected on VA Form 21–0960 series will be used to obtain information from claimants treating physician that is necessary to adjudicate a claim for disability benefits.

**Affected Public:** Individuals or households.

**Estimated Annual Burden:**

a. VAF 21–0960–C–3—5,000.

b. VAF 21–0960–C–6—1,250.

c. VAF 21–0960–C–7—1,250.

d. VAF 21–0960–C–11—1,250.

e. VAF 21–0960–D–1—1,250.

f. VAF 21–0960–E–2—2,500.

g. VAF 21–0960–E–3—2,500.

h. VAF 21–0960–H–1—3,750.

i. VAF 21–0960–I–2—1,250.

j. VAF 21–0960–I–3—2,500.

k. VAF 21–0960–I–4—2,500.

l. VAF 21–0960–I–5—1,250.

m. VAF 21–0960–J–4—3,750.

n. VAF 21–0960–L–1—10,000.

o. VAF 21–0960–N–3—1,250.

p. VAF 21–0960–N–4—10,000.

q. VAF 21–0960–Q–1—2,500.

**Estimated Average Burden per**

**Respondent:**

a. VAF 21–0960–C–3—30 minutes.

b. VAF 21–0960–C–6—15 minutes.

c. VAF 21–0960–C–7—15 minutes.

d. VAF 21–0960–C–11—15 minutes.

e. VAF 21–0960–D–1—15 minutes.

f. VAF 21–0960–E–2—15 minutes.

g. VAF 21–0960–E–3—15 minutes.

h. VAF 21–0960–H–1—15 minutes.

i. VAF 21–0960–I–2—15 minutes.

j. VAF 21–0960–I–3—15 minutes.

k. VAF 21–0960–I–4—30 minutes.

l. VAF 21–0960–I–5—15 minutes.

m. VAF 21–0960–J–4—15 minutes.

n. VAF 21–0960–L–1—30 minutes.

o. VAF 21–0960–N–3—15 minutes.

p. VAF 21–0960–N–4—30 minutes.

q. VAF 21–0960–Q–1—15 minutes.

**Frequency of Response:** On occasion.

**Estimated Number of Respondents:**

a. VAF 21–0960–C–3—10,000.

b. VAF 21–0960–C–6—5,000.

c. VAF 21–0960–C–7—5,000.

d. VAF 21–0960–C–11—5,000.

e. VAF 21–0960–D–1—5,000.

f. VAF 21–0960–E–2—10,000.

g. VAF 21–0960–E–3—10,000.

h. VAF 21–0960–H–1—15,000.

i. VAF 21–0960–I–2—5,000.

j. VAF 21–0960–I–3—10,000.

k. VAF 21–0960–I–4—5,000.

l. VAF 21–0960–I–5—5,000.

m. VAF 21–0960–J–4—15,000.

n. VAF 21–0960–L–1—20,000.

o. VAF 21–0960–N–3—5,000.

p. VAF 21–0960–N–4—20,000.

q. VAF 21–0960–Q–1—10,000.

Dated: July 22, 2011.

By direction of the Secretary.

**Denise McLamb,**

*Program Analyst, Enterprise Records Service.*

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