

regarding the issue of whether pre-investigative conduct can form the basis of an adjustment under § 3C1.1 (Obstructing or Impeding the Administration of Justice). The First, Second, Seventh, Tenth, and District of Columbia Circuits have held that pre-investigation conduct can be used to support an obstruction adjustment under § 3C1.1. *Compare United States v. McGovern*, 329 F.3d 247, 252 (1st Cir. 2003)(holding that the submission of false run sheets to Medicare and Medicaid representatives qualified for the enhancement even though “the fact that there was no pending Federal criminal investigation at the time of the obstruction did not disqualify a defendant from an enhancement when there was a ‘close connection between the obstructive conduct and the offense of conviction.’” (quoting *United States v. Emery*, 991 F.2d 907, 911(1st Cir. 1992))); *United States v. Fiore*, 381 F.3d 89, 94 (2d Cir. 2004)(defendant’s perjury in an SEC civil investigation into defendant’s securities fraud constituted obstruction of justice of the criminal investigation of the same “precise conduct” for which defendant was criminally convicted, even though the perjury occurred before the criminal investigation commenced); *United States v. Snyder*, 189 F.3d 640, 649 (7th Cir. 1999)(holding the adjustment appropriate in case in which defendant made pre-investigation threat to victim and did not withdraw his threat after the investigation began, thus obstructing justice during the course of the investigation); *United States v. Mills*, 194 F.3d 1108, 1115 (10th Cir. 1999)(holding that destruction of tape that occurred before an investigation began warranted application of the enhancement because the defendant knew an investigation would be conducted and understood the importance of the tape to that investigation); and *United States v. Barry*, 938 F.2d 1327, 1333–34 (D.C. Cir. 1991)(“Given the commentary and the case law interpreting § 3C1.1, we conclude that the enhancement applies if the defendant attempted to obstruct justice in respect to the investigation or prosecution of the offense of conviction, even if the obstruction occurred before the police or prosecutors began investigating or prosecuting the specific offense of conviction.”), with *United States v. Baggett*, 342 F.3d 536, 542 (6th Cir. 2003)(holding that the obstruction of justice enhancement could not be justified on the basis of the threats that the defendant made to the victim prior to the investigation, prosecution, or sentencing of the offense); *United States*

*v. Stolba*, 357 F.3d 850, 852–53 (8th Cir. 2004)(holding that an obstruction adjustment is not available when destruction of documents occurred before an official investigation had commenced); *United States v. DeGeorge*, 380 F.3d 1203, 1222 (9th Cir. 2004)(perjury during a civil trial as part of a scheme to defraud was not an obstruction of justice of a criminal investigation of the fraudulent scheme because the criminal investigation had not yet begun at the time the defendant perjured himself); see also *United States v. Clayton*, 172 F.3d 347, 355 (5th Cir. 1999)(holding that defendant’s threats to witnesses warrant the enhancement under § 3C1.1, but stating in dicta that the guideline “specifically limits applicable conduct to that which occurs during an investigation \* \* \*”).

The amendment, which adopts the majority view, permits application of the guideline to obstructive conduct that occurs prior to the start of the investigation of the instant offense of conviction by allowing the court to consider such conduct if it was purposefully calculated, and likely, to thwart the investigation or prosecution of the offense of conviction. The amendment also adds, as examples of covered conduct in Application Note 4, (A) perjury that occurs during the course of a civil proceeding if such perjury pertains to the conduct that forms the basis of the offense of conviction; and (B) conduct involving threats to the victim of the offense if those threats were intended to prevent the victim from reporting the conduct constituting the offense of conviction. Finally, the amendment changes language in § 3C1.1(A) from “during the course of” to “with respect to.”

12. *Amendment:* Chapter Six is amended in the heading by striking “AND” and inserting a comma; and by adding at the end “, AND CRIME VICTIMS’ RIGHTS”.

Chapter Six, Part A is amended by adding at the end the following:

“§ 6A1.5. Crime Victims’ Rights (Policy Statement)

In any case involving the sentencing of a defendant for an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in 18 U.S.C. 3771 and in any other provision of Federal law pertaining to the treatment of crime victims.

#### Commentary

##### *Application Note:*

1. Definition.—For purposes of this policy statement, ‘crime victim’ has the

meaning given that term in 18 U.S.C. 3771(e).”.

Reason for Amendment: This amendment creates a new policy statement at § 6A1.5 (Crime Victims’ Rights) in response to the Justice for All Act of 2004, Public Law 108–405, which sets forth at 18 U.S.C. 3771 various rights for crime victims during the criminal justice process, including at subsection (a)(4) the right to be “reasonably heard at any public proceeding \* \* \* involving release, plea, sentencing, or any parole proceeding.” The amendment also changes the title of Chapter Six to reflect the addition of the policy statement.

13. *Amendment:* The Commentary to § 8C2.5 captioned “Application Notes” is amended in Note 12 by striking the last sentence.

Reason for Amendment: This amendment deletes the last sentence of Application Note 12 to § 8C2.5 (Culpability Score), which stated that “[w]aiver of attorney-client privilege and of work product protections is not a prerequisite to a reduction in culpability score . . . unless such waiver is necessary in order to provide timely and thorough disclosure of all pertinent information known to the organization.” The Commission added this sentence to address some concerns regarding the relationship between waivers and § 8C2.5(g), and at the time stated that “[t]he Commission expects that such waivers will be required on a limited basis.” See Supplement to Appendix C (Amendment 673, effective November 1, 2004). Subsequently, the Commission received public comment and heard testimony at public hearings on November 15, 2005, and March 15, 2006, that the sentence at issue could be misinterpreted to encourage waivers.

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## SMALL BUSINESS ADMINISTRATION

### National Women’s Business Council; Public Meeting Notice

In accordance with the Women’s Business Ownership Act, Public Law 106–554 as amended, the National Women’s Business Council (NWBC) would like to announce a forthcoming Council meeting. The National Women’s Business Council will join women members of the United States Senate for an afternoon of dialogue. The meeting will be held on Tuesday, May 23, 2006, starting at 3 p.m. until 4:30 p.m. The meeting will take place at the Hart Senate Office Building, 2nd & D Streets,

NE., Room SH-902, Washington, DC 20510.

The purpose of the meeting is to discuss the impact of current policies on women's entrepreneurship and exchange ideas about goals for the women's business community for the next three, five and ten years.

Anyone wishing to attend or to make a presentation must contact Katherine Stanley in writing or by fax, in order to be put on the agenda. Katherine Stanley, Operations Manager, National Women's Business Council, 409 3rd Street, SW., Washington, DC 20416, phone (202) 205-3850, fax (202) 205-6825.

**Matthew Becker,**

*Committee Management Officer.*

[FR Doc. E6-7347 Filed 5-12-06; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 5388]

### Renewal of Charter of Advisory Committee on International Law

**SUMMARY:** The Charter of the Department of State's Advisory Committee on International Law (ACIL) has been renewed for an additional two years.

The Charter of the Advisory Committee on International Law is being renewed for a two-year period. Through this Committee, the Department of State will continue to obtain the views and advice of a cross-section of the country's outstanding members of the legal profession on significant issues of international law. The Committee's consideration of these legal issues in the conduct of our foreign affairs provides a unique contribution to the creation and promotion of U.S. foreign policy. The Committee comprises all former Legal Advisers of the Department of State and up to twenty individuals appointed by the current Legal Adviser.

#### FOR FURTHER INFORMATION CONTACT:

Judith L. Osborn, Executive Director, Office of the Assistant Legal Adviser for United Nations Affairs, 202-647-2767 or [osbornjl@state.gov](mailto:osbornjl@state.gov).

**Judith L. Osborn,**

*Attorney-Adviser, Office of United Nations Affairs, Office of the Legal Adviser, Executive Director, Advisory, Committee on International Law, Department of State.*

[FR Doc. E6-7337 Filed 5-12-06; 8:45 am]

BILLING CODE 4710-08-P

## DEPARTMENT OF STATE

[Public Notice 5408]

### Culturally Significant Objects Imported for Exhibition Determinations: "Rembrandt: Master Etchings From St. Louis Collections"

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the object to be included in the exhibition "Rembrandt: Master Etchings from St. Louis Collections," imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Saint Louis Art Museum, from on or about October 20, 2006, until on or about January 14, 2007, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: May 5, 2006.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. E6-7334 Filed 5-12-06; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 5392]

### U.S. National Commission for UNESCO Notice of Meeting

The annual conference of the U.S. National Commission for UNESCO will take place on Thursday, June 1, 2006 and Friday, June 2, 2006, at the Doubletree Hotel, Washington, DC (1515

Rhode Island Avenue, NW.). This will be the second annual conference of the Commission following its re-establishment in 2004; the theme of the meeting is the 60th Anniversary of the creation of the United Nations Educational, Scientific, and Cultural Organization.

On Thursday, June 1 from 9 a.m. to 12 p.m. and from 2:15 p.m. to 5:15 p.m. and on Friday, June 2 from 9 a.m. to 12 p.m., the Commission will hold a series of informational plenary sessions and subject-specific committee breakout sessions, which will be open to the public. These sessions will focus on UNESCO's budget and six-year Medium Term Strategy as well as various issues that relate to the established subcommittees within the Commission's committees of education, culture, natural sciences and engineering, social and human sciences, and communications and information. On Friday, June 2, 2006, the Commission will meet from 1:45 p.m. until 4 p.m. to discuss recommendations on these issues.

Members of the public who wish to attend any of these meetings should contact the U.S. National Commission for UNESCO no later than Wednesday, May 24th for further information about admission, as seating is limited. Written comments should also be submitted by Wednesday, May 24th to allow time for distribution to the Commission members prior to the meeting. Additionally, those who wish to make oral comments during the public comment section held during the concluding Friday session should request to be scheduled by Wednesday, May 24th. Each individual will be limited to five minutes, with the total oral comment period not exceeding thirty-minutes. The National Commission may be contacted via e-mail at [DCUNESCO@state.gov](mailto:DCUNESCO@state.gov), or via phone at (202) 663-0026. Its Web site can be accessed at: <http://www.state.gov/p/io/unesco/>.

Dated: May 8, 2006.

**Alexander Zemek,**

*U.S. National Commission for UNESCO, Department of State.*

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