

offense characteristic at § 2D1.1(b)(3)(A) (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) applies if the defendant unlawfully imported or exported a controlled substance under circumstances in which “an aircraft other than a regularly scheduled commercial air carrier was used to import or export the controlled substance.” In addition, in some circumstances, the use of an unmanned aircraft could be considered indicative of sophisticated means, *see, e.g.*, §§ 2B1.1(b)(10)(C) (Theft, Property Destruction, and Fraud), 2T3.1(b)(1) (Evading Import Duties or Restrictions (Smuggling); Receiving or Trafficking in Smuggled Property), or the use of a special skill, *see* § 3B1.3 (Abuse of Position of Trust or Use of Special Skill). Are there other guidelines provisions that may apply based on the same conduct as the proposed new Chapter Three adjustment? How should the new adjustment interact with these provisions while ensuring compliance with the congressional directive to “substantially increase the sentencing range for all offenses involving the use of an unmanned aircraft”? Should the proposed amendment preclude or limit the application of any other specific offense characteristic or Chapter Three

adjustment if the new § 3B1.6 also applies?

4. The Act increases the statutory maximum penalty for an individual convicted under 18 U.S.C. 1791 who “knowingly used an unmanned aircraft to provide a prohibited object to an inmate of a prison.” 6 U.S.C. 124n–1(d). Offenses under section 1791 are referenced to § 2P1.2 (Providing or Possessing Contraband in Prison), which provides a range of base offense levels depending on the type of contraband at issue. Under the newly created § 3B1.6, an individual subject to the enhanced statutory penalty would be subject to a [6]-level or [4]-level adjustment for the use of an unmanned aircraft. Should the Commission take any additional action to implement the enhanced statutory penalty under 18 U.S.C. 1791? If so, what action should the Commission take? For example, should the Commission amend § 2P1.2 to address cases in which the enhanced statutory penalty under 18 U.S.C. 1791 applies, or should it provide a special instruction on the application of the new § 3B1.6 in such cases?

5. To address the new felony offense under the Act for repeated violations of 49 U.S.C. 46307, the proposed amendment would amend Appendix A to reference 49 U.S.C. 46307 to § 2A5.2 (Interference with Flight Crew Member

or Flight Attendant; Interference with Dispatch, Navigation, Operation, or Maintenance of Mass Transportation Vehicle; Unsafe Operation of Unmanned Aircraft) and § 2X5.2 (Class A Misdemeanors (Not Covered by Another Specific Offense Guideline)). The Commission seeks comment on whether the proposed references are appropriate and whether any additional changes to the guidelines are required to account for the new felony offense created by the Act.

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DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: Matching Program

Correction

In Notice Document 2026–07012, appearing on pages 18530 through 18531, in the issue of Friday, April 10, 2026, make the following correction:

On page 18530, in the third column, the “Subject-Line” in the document heading is corrected to read as set-forth above.

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