

as Note 2; and by inserting the following as the new Note 1:

"1. For purposes of this guideline—'Immigration and naturalization offense' means any offense covered by Chapter Two, Part L."

The Commentary to § 2L2.2 captioned "Application Note" is amended by inserting the following as Note 3.

"3. Prior felony conviction(s) resulting in an adjustment under subsection (b)(2) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History)."

Reason for Amendment: This amendment implements section 211 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which directs the Commission to amend the guidelines for offenses related to the fraudulent use of government-issued documents.

Emergency Amendment—Involuntary Servitude

3. Amendment: Section 2H4.1(a) is amended by deleting "(Apply the greater)" and inserting in lieu thereof "22"; and by deleting subdivisions (1) and (2) in their entirety.

Section 2H4.1 is amended by inserting the following additional subsection:

"(b) Specific Offense Characteristics
(1)(A) If any victim sustained permanent or life-threatening bodily injury, increase by 4 levels; (B) if any victim sustained serious bodily injury, increase by 2 levels.

(2) If a dangerous weapon was used, increase by 2 levels.

(3) If any victim was held in a condition of peonage or involuntary servitude for (A) more than one year, increase by 3 levels; (B) between 180 days and one year, increase by 2 levels; or (C) more than 30 days but less than 180 days, increase by 1 level.

(4) If any other felony offense was committed during the commission of, or in connection with, the peonage or involuntary servitude offense, increase to the greater of:

(A) 2 plus the offense level as determined above, or

(B) 2 plus the offense level from the offense guideline applicable to that other offense, but in no event greater than level 43."

The Commentary to § 2H4.1 captioned "Statutory Provisions" is amended by inserting "241," immediately before "1581".

The Commentary to § 2H4.1 captioned "Application Note" is amended by deleting "Note" and inserting in lieu thereof "Notes"; by deleting Note 1 in its entirety and inserting in lieu thereof the following new note:

"1. For purposes of this guideline—'A dangerous weapon was used' means that a firearm was discharged, or that a firearm or dangerous weapon was otherwise used.

Definitions of 'firearm,' 'dangerous weapon,' 'otherwise used,' 'serious bodily injury,' and 'permanent or life-threatening bodily injury' are found in the Commentary to § 1B1.1 (Application Instructions)."; and by inserting the following additional notes:

"2. Under subsection (b)(4), 'any other felony offense' means any conduct that constitutes a felony offense under federal, state, or local law (other than an offense that is itself covered by this subpart). When there is more than one such other offense, the most serious such offense (or group of closely related offenses in the case of offenses that would be grouped together under § 3D1.2(d)) is to be used. See Application Note 3 of § 1B1.5 (Interpretation of References to other Offense Guidelines).

3. If the offense involved the holding of more than ten victims in a condition of peonage or involuntary servitude, an upward departure may be warranted."

The Commentary to § 2H4.1 captioned "Background" is deleted in its entirety.

Reason for Amendment: This amendment implements section 218 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which directs the Commission to review the guideline for peonage, involuntary servitude and slave trade offenses and amend the guideline.

Note: The Commission proposes to re-promulgate and submit to Congress by May 1, 1997, as permanent amendments the forgoing emergency amendments. When the Commission again considers these amendments for re-promulgation as permanent amendments, it may adopt an amended version of § 2L1.1(b)(1)(A) and § 2L2.1(b)(1). The amended version would provide for a three-level decrease if "an offense was committed other than for profit or the offense involved the smuggling, transporting, or harboring only of the defendant's spouse or child (or both the defendant's spouse and child)." Such a change could be expected to restrict somewhat the number of defendants who might otherwise qualify for the offense level reduction. On the other hand, this approach may provide a more realistic measure of whether the overall character of the smuggling offense was a not-for-profit venture.

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SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Comments should be submitted on or before May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Curtis B. Rich, Management Analyst, Small Business Administration, 409 3rd Street, S.W., Suite 5000, Washington, D.C. 20416. Phone Number: 202-205-6629.

SUPPLEMENTARY INFORMATION:

Title: "Request for Management and Technical Assistance".

Type of Request: Revision of a Currently Approved Collection.

Form No.: SBA Form 641B.

Description of Respondents: Individuals that use the Business Information Centers (BIC's).

Annual Responses: 60,000.

Annual Burden: 120,000.

Comments: Send all comments regarding this information collection to Eunice Ricks, Business Initiatives Specialist, Office Business Initiatives, Small Business Administration, 409 3rd Street, S.W., Suite 6100 Washington, D.C. 20416. Phone No.: 202-205-7422.

Send comments regarding whether this information collection is necessary for the proper performance of the function of the agency, accuracy of burden estimate, in addition to ways to minimize this estimate, and ways to enhance the quality.

Dated: March 20, 1997.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 97-7553 Filed 3-25-97; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 2461]

Office of Defense Trade Controls; Statutory Debarment Under the International Traffic in Arms Regulations

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that Electrodyne Systems Corporation has

been statutorily debarred pursuant to § 127.7(c) of the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130).

EFFECTIVE DATE: October 16, 1996.

FOR FURTHER INFORMATION CONTACT: Philip S. Rhoads, Chief, Compliance Enforcement Branch, Office of Defense Trade Controls, Department of State (703-875-6644, Ext. 3).

SUPPLEMENTARY INFORMATION: Section 38(g)(4)(A) of the Arms Export Control Act (AECA), 22 U.S.C. 2778, prohibits licenses or other approvals for the export of defense articles and defense services to be issued to a person, or any party to the export, who has been convicted of violating certain U.S. criminal statutes, including the AECA. The term "person," as defined in 22 CFR 120.14 of the International Traffic in Arms Regulations (ITAR), means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities. The ITAR, specifically § 126.7(e), defines the term "party to the export" to include the president, the chief executive officer, and other senior officers and officials of the license applicant; the freight forwarders or designated exporting agent of the license applicant; and any consignee or end-user of any item to be exported. The statute permits certain limited exceptions to this prohibition to be made on a case-by-case basis. 22 U.S.C. 2778(g)(4).

The ITAR, Section 127.7, authorizes the Assistant Secretary of State for Political-Military Affairs to prohibit certain persons convicted of violating, or conspiring to violate, the AECA, from participating directly or indirectly in the export of defense articles or in the furnishing of defense services for which a license or approval is required. Such a prohibition is referred to as a "statutory debarment," which may be imposed on the basis of judicial proceedings that resulted in a conviction for violating, or of conspiring to violate, the AECA. See 22 CFR 127.7(c). The period for debarment will normally be three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by the AECA, 22 U.S.C. 2778(g)(4).

Statutory debarment is based solely upon a conviction in a criminal proceeding, conducted by a United States court. Thus, the administrative debarment procedures, as outlined in the ITAR, 22 CFR part 128, are not applicable in such cases.

The Department of State will not consider applications for licenses or requests for approvals that involve any person or any party to the export who has been convicted of violating, or of conspiring to violate, the AECA during the period of statutory debarment. Persons who have been statutorily debarred may appeal to the Under Secretary for International Security Affairs for reconsideration of the ineligibility determination. A request for reconsideration must be submitted in writing within 30 days after a person has been informed of the adverse decision. 22 CFR 127.7(d).

The Department of State policy permits debarred persons to apply for reinstatement of export privileges one year after the date of the debarment, in accordance with the AECA, 22 U.S.C. 2778(g)(4)(A), and the ITAR, Section 127.7. A reinstatement request is made to the Director of the Office of Defense Trade Controls. Any decision to reinstate export privileges can be made only after the statutory requirements under Section 38(g)(4) of the AECA have been satisfied through a process administered by the Office of Defense Trade Controls. If reinstatement is granted, the debarment will be suspended.

Pursuant to the AECA, 22 U.S.C. 2778(g)(4)(A), and the ITAR, 22 CFR 127.7, the Assistant Secretary for Political-Military Affairs has statutorily debarred Electrodyne Systems Corporation, who has been convicted of conspiring to violate or violating the AECA. On October 16, 1996, Electrodyne Systems Corporation pled guilty to one count of violating section 38 of the AECA.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: October 16, 1996.

Thomas E. McNamara,

Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

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BILLING CODE 4710-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 97-021]

National Boating Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The National Boating Safety Advisory Council (NBSAC) and its subcommittees on boat occupant protection, "Prevention Through People," navigation lights, life saving index and boating accident reporting will meet to discuss various issues relating to recreational boating safety. All meetings will be open to the public.

DATES: The meeting of NBSAC will be held on Monday and Tuesday, April 28 and 29, 1997, from 8:30 a.m. to 5 p.m. Meetings of the Boat Occupant Protection, Prevention Through People, and Boating Accident Reporting Subcommittees will be held on Saturday, April 26, 1997, from 1:30 p.m. to 5 p.m. Meetings of the Navigation Light and Life Saving Index Subcommittees will be held on Sunday, April 27, 1997, from 9 a.m. to 12 noon. Written material and requests to make oral presentations should reach the Coast Guard on or before April 12, 1997.

ADDRESSES: The meeting of NBSAC will be held at the Radisson Hotel Memphis, 185 Union Avenue, Memphis, Tennessee. The meetings of the subcommittees will be held at the same address. Written material and requests to make oral presentations should be sent to Mr. Albert J. Marmo, Commandant (G-OPB-1), U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Mr. Albert J. Marmo, Executive Director of NBSAC, telephone (202) 267-0950, fax (202) 267-4285.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of Meetings

National Boating Safety Advisory Council (NBSAC). The agenda includes the following:

- (1) Executive Director's report.
- (2) Chairman's session.
- (3) Boat Occupant Protection Subcommittee report.
- (4) Prevention Through People Subcommittee report.
- (5) Navigation Light Subcommittee report.
- (6) Life Saving Index Subcommittee report.