

victim, whether specifically cited in the count of conviction or not, each such victim shall be treated as if contained in a separate count of conviction.

"5. Subsection (b)(3) is intended to have broad application and includes offenses involving a victim less than eighteen years of age entrusted to the defendant, whether temporarily or permanently. For example, teachers, day care providers, baby-sitters, or other temporary caretakers are among those who would be subject to this enhancement. In determining whether to apply this adjustment, the court should look to the actual relationship that existed between the defendant and the victim and not simply to the legal status of the defendant-victim relationship.

"6. If the adjustment in subsection (b)(3) applies, do not apply § 3B1.3 (Abuse of Position of Trust or Use of Special Skill).

"7. The cross reference in subsection (c)(1) is to be construed broadly to include all instances where the offense involved employing, using, persuading, inducing, enticing, coercing, transporting, permitting, or offering or seeking by notice of advertisement, a person less than eighteen years of age to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

"8. The cross reference at subsection (c)(3) addresses the unusual case in which the offense did not involve promoting prostitution and neither subsection (c)(1) nor (c)(2) is applicable. In such case, the guideline for the underlying prohibited sexual conduct is to be used; e.g., § 2A3.2 (Criminal Sexual Abuse of Minor (Statutory Rape) or Attempt to Commit Such Acts) or § 2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact). If there is no offense guideline for the underlying prohibited sexual conduct, § 2X5.1 (Other Offenses) is to be used."

Chapter 1, Part A, Subpart 4(b) is amended in the fourth paragraph by striking the third sentence.

Section 3D1.2(d) is amended in the third paragraph by striking "2G1.2,".

Appendix A is amended—

in the line referenced to 8 U.S.C. § 1328, by striking "2G1.2";

in the line referenced to 18 U.S.C. § 2421, by striking "2G1.2";

in the line referenced to 18 U.S.C. § 2422, by striking "2G1.2"; and

in the line referenced to 18 U.S.C. § 2423(a), by striking "2G1.2" and inserting "2G1.1".

Reason for Amendment

This is a three-part amendment. First, this amendment implements the congressional directive in section 4 of the Sex Crimes Against Children Prevention Act of 1995, Pub. L. No. 104-71, 109 Stat. 774, by providing a three-level enhancement for offenses involving the transportation of minors with intent to engage in prostitution or other prohibited sexual conduct under 18 U.S.C. § 2423(a). The three-level enhancement is provided in the specific offense characteristic in subsection (b)(2) related to the age of the victim.

Second, this amendment addresses 18 U.S.C. § 2422(b), a new offense created by section 508 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56. That offense makes it unlawful, in interstate or foreign commerce, including through the mail, or within the special maritime or territorial jurisdiction of the United States, to knowingly persuade, induce, entice, or coerce an individual under the age of 18 years to engage in prostitution or other prohibited sexual conduct. The amendment brings this new offense within the scope of the consolidated, expanded guideline. As revised, the guideline is broadly applicable to offenses that involve "promoting prostitution or prohibited sexual conduct." That term is defined to encompass conduct covered by the new Telecommunications Act offense as well as conduct previously covered by the guideline; *i.e.*, transporting a person, or inducing a person to travel, for the purpose of prostitution or other prohibited sexual conduct.

Third, this amendment consolidates §§ 2G1.1 (Transportation for the Purpose of Prostitution or Prohibited Sexual Conduct) and 2G1.2 (Transportation of a Minor for the Purpose of Prostitution or Prohibited Sexual Conduct) in furtherance of the Commission's goal to simplify the operation of the guidelines. Because the consolidated guideline covers both offenses involving adult victims and those involving minors, a two-level increase is provided in the specific offense characteristic related to the age of the victim to increase the offense level when a minor is involved. The two-level increase is in addition to the three-level enhancement directed to be made by the Sex Crimes Against Children Prevention Act of 1995. In addition, the consolidated guideline defines the term "victim" and incorporates the cross references of § 2G1.2 into the consolidate guideline. The amendment also clarifies that the "Statutory Provisions" in the Commentary of the consolidated

guideline cover offenses under 18 U.S.C. § 2423(a) (but not § 2423b), which is referenced in Appendix A to §§ 2A3.1, 2A3.2, and 2A3.3).

[FR Doc. 96-11174 Filed 5-3-96; 8:45 am]

BILLING CODE 2210-40-M

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 by July 5, 1996.

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

SUPPLEMENTARY INFORMATION:

Title: "Evaluation of the Small Business Administration's 7(a) and 504 Loan Programs"

Type of Request: New Information Collection

Description of Respondents: Owners of businesses that received a 7(a) or 504 loan during fiscal year 1990

Annual Responses: 1,000

Annual Burden: 1,450

Comments: Send all comments regarding this information collection to Allan Mandel, Chief, Policy Branch, Office of Borrower and Lender Servicing, Small Business Administration, 409 3rd Street, SW., Suite 8300 Washington, D.C. 20416. Phone Number: 202-205-6488. 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. Copies of this collection can also be obtained from Allan Mandel.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 96-11241 Filed 5-3-96; 8:45 am]

BILLING CODE 8025-01-M