

Presidential Documents

Proclamation 5329 of April 25, 1985

Fair Housing Month, 1985

By the President of the United States of America

A Proclamation

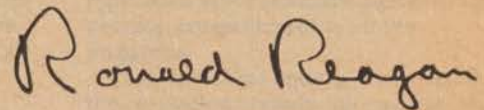
1985 marks the seventeenth anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly referred to as the Federal Fair Housing Act. That law declared it to be a national policy to provide, within constitutional limits, for fair housing throughout the United States. In particular, that Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin.

Fairness is the foundation of our way of life and reflects the best of our traditional American values. Invidious, discriminatory housing practices undermine the strength and vitality of America and her people. In this seventeenth year since the passage of the Fair Housing Act, let us work together to strengthen enforcement of fair housing laws for all Americans so as to make the idea of nondiscriminatory housing a reality.

The Congress, by Senate Joint Resolution 79, has designated the month of April 1985 as "Fair Housing Month" and authorized and requested the President to issue an appropriate proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1985 as Fair Housing Month, and I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.



[FR Doc. 85-10511

Filed 4-26-85; 11:38 am]

Billing code 3195-01-M

Rules and Regulations

Revised and re-issued 1915

For the use of the

of the President of the United States of America

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Rules and Regulations

Federal Register

Vol. 50, No. 82

Monday, April 29, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 792

Federal Employees' Health and Counseling Programs; Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

AGENCY: Office of Personnel
Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is amending 5 CFR by adding Part 792, which establishes OPM and agency responsibilities to provide prevention, treatment, and rehabilitation services to Federal civilian employees with alcohol and/or drug problems. Part 792 identifies those elements of the alcohol and drug abuse program that are mandatory and binding upon Federal departments and agencies. As a minimum, agencies are required to: (1) Establish and administer short-term counseling and/or referral programs to assist civilian employees with alcohol and/or drug problems; (2) issue internal program instructions; and (3) submit annual fiscal year reports to OPM on their counseling activities.

EFFECTIVE DATE: May 29, 1985.

FOR FURTHER INFORMATION CONTACT:
Ruby Giddings, (202) 632-5558.

SUPPLEMENTARY INFORMATION: OPM published an interim regulation on July 9, 1984 (49 FR 27921) that required Federal departments and agencies to operate, at a minimum, programs to assist their employees who experience work related problems associated with the use of alcohol and/or drugs. The regulation clarified those elements of the alcohol and drug abuse program that are essential to meet the statutory requirements of the public laws. The public comment period ended on

September 9, 1984. OPM received numerous comments from agencies and unions. There were a number of suggestions for specific improvements in the regulation that have been adopted in the final regulation. Specific comments received and related decisions are summarized below.

Comment: One agency recommended that the reference to employees having "alcohol and drug problems" be changed to "alcohol and/or other drug problems" throughout the regulation to consistently convey the idea that a person with either an alcohol problem or a drug problem or a person with both an alcohol and a drug problem may take advantage of the alcoholism and drug abuse programs and services afforded Federal civilian employees.

Response: OPM agrees in part with this suggestion and has adopted in the final regulation the reference to employees having "alcohol and/or drug problems"; therefore, acknowledging that employees may experience these two problems simultaneously. However, the word "other" has not been adopted as OPM feels that the two public laws are separate in authority and the use of the term "other" confuses two different employee problems.

Comment: One agency recommended that in paragraph (a) of § 792.105 the word "officials" be changed to "persons" to reflect the possibility that an agency may contract out for the program and that there may be no "officials" in the agency who are knowledgeable in counseling and referral services.

Response: OPM agrees that the term "officials" may be misleading but the recommended substitution of the word "persons" is too general. Therefore, OPM has decided to use the term "practitioners" in the final regulation.

Comment: One agency pointed out that the statutory citations should be updated to reflect the recent changes enacted by the Alcohol and Drug Abuse Amendments of 1983 (Pub. L. 98-24). The agency also urged that the statutory requirement contained in the supplementary information portion that encourages agencies to extend, to the extent feasible, these programs and services to the families of alcohol and drug abusers and to employees who have family members who are alcoholic or drug abusers be moved to the body of the regulation.

Response: The final regulation has been revised to reflect the amendments and to incorporate the Federal Government's statutory obligation to the families of alcohol and/or drug abusing employees and to employees who have family members who have an alcohol and/or drug problem in § 792.101 (Statutory requirements).

Comment: One union expressed concern that § 792.102 of the interim regulation, which requires short-term counseling and/or referral, or offers thereof, would be "woefully inadequate" to deal with the serious problems caused by alcohol and/or drug use and recommended that this section be replaced with a requirement for agencies to develop comprehensive programs for the counseling and treatment of these problems.

Response: The regulation is intended to establish only the minimum agency program requirements necessary to assist employees with these problems and does not prohibit agencies from expanding their program activities. Currently, agency programs range from a part-time counselor to units staffed with professional counselors who handle a broad range of employee services. The regulation is intended to provide the basis on which agencies can build their programs according to their particular management and employee needs. This approach also allows agencies the flexibility to provide these services either through internal programs, contractors, or consortia. While the points made are sound, OPM feels that the guidance to implement the regulation will encourage agencies to develop comprehensive, viable programs.

Comment: One agency requested that the regulation contain information on what type of leave would be appropriate for an employee seeking or undergoing treatment.

Response: OPM feels that existing leave regulations and guidance provide agencies with sufficient information and discretion to appropriately administer leave for these purposes. Therefore, emphasis on leave administration in this regulation is not necessary.

Comment: The majority of the comments focused on the content of § 792.105(c). Two agencies found this section to be possibly misleading regarding the responsibilities of the manager/supervisor to identify and refer

employees whose use of alcohol and/or drugs negatively affects conduct and/or performance. In particular, concern was expressed that the language implied that managers/supervisors will make referrals for counseling only when they have the knowledge that an employee's use of alcohol and/or drugs may be contributing to a performance or conduct deficiency. Also, several commenters recommended that the use of the term "rate" in the phrase "rate the employee accordingly and initiate an appropriate performance-based or adverse action at that time" be changed to evaluate. Specifically, concerns were expressed that the use of the word "rate" would infer that agency action would be connected to or dependent upon a formal employee rating under the agency's Performance Appraisal System and does not take into consideration action related to employee misconduct.

Response: With respect to the first point, OPM feels that the regulation should be limited to the required responsibility of the supervisor/manager. Anything other than absolute awareness (i.e., suspects or has reason to believe) should be addressed in guidance where examples can be provided. OPM agrees with the second point and this section has been revised accordingly.

Comment: One agency expressed concern that § 792.105(c) did not establish time limits on when the employee must seek counseling, begin or complete a rehabilitation program, or show improvements. This concern also reflected disappointment that the regulation did not define "rehabilitation," "participation," or "improvement."

Response: OPM feels that it is not feasible or desirable to establish time limits and define what constitutes "rehabilitation," "participation," or "improvement," as the conditions for rehabilitative treatment vary from individual to individual and must be judged on a case-by-case basis depending on the circumstances. Therefore, this type of information is best described in the implementing guidance.

Comment: One agency recommended that a section on prevention be added to the body of the regulation.

Response: While OPM agrees that prevention is an important part of the program and is established by law, it is felt that preventive actions are best handled in the implementing guidance because of the variety of approaches available to agencies to meet this mandate.

Comment: One agency thought that the regulation should clarify the

relationship of a management referral of an employee for counseling and a management offer or requirement of a medical examination when an employee asserts that a medical condition is contributing to a conduct or performance problem.

Response: OPM feels that there is no relationship. A medical examination does not apply to a referral to an Employee Counseling Program. However, if an employee alleges a medical condition, the employee may submit medical documentation or the agency may offer the employee a medical examination.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because it only affects Federal employees and their families.

List of Subjects in 5 CFR Part 792

Alcoholism, Drug abuse, Federal employees.

U.S. Office of Personnel Management.

Donald J. Devine,
Director.

Accordingly, OPM is adopting the interim regulation as a final regulation with the following changes:

PART 792—FEDERAL EMPLOYEES HEALTH AND COUNSELING PROGRAMS

1. The authority for Part 792 is revised to read as follows:

Subpart B—[Reserved]

Authority: Sec. 201 of Pub. L. 91-616, 84 Stat. 1849, as amended and transferred to sec. 520 of the Public Health Services Act by sec. 2(b)(13) of Pub. L. 98-24 (42 U.S.C. 290dd-1) and sec. 413 of Pub. L. 92-255, 86 Stat. 84, as amended and transferred to sec. 525 of the Public Health Service Act by sec. 2(b)(18)(A) of Pub. L. 98-24 (42 U.S.C. 290ee-1).

2. Section 792.101 is revised to read as follows:

§ 792.101 Statutory requirements.

Sections 290dd-1 and 290ee-1 of 42 United States Code, provide that the Office of Personnel Management shall be responsible for developing and maintaining, in cooperation with the Secretary of the Department of Health and Human Services, and with other Federal departments and agencies, appropriate prevention, treatment, and rehabilitation programs and services for

Federal civilian employees with alcohol and/or drug problems. To the extent feasible, agencies are encouraged to extend services to families of alcohol and/or drug abusing employees and to employees who have family members who have alcohol and/or drug problems. Such programs and services shall make optimal use of existing government facilities, services, and skills.

3. Section 792.102 is revised to read as follows:

§ 792.102 General.

It is the policy of the Federal Government to offer appropriate prevention, treatment, and rehabilitation programs and services for Federal civilian employees with alcohol and/or drug problems. Short-term counseling and/or referral, or offers thereof, shall constitute the appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse, alcoholism, and/or drug abuse required under 42 U.S.C. 290dd-1(a) and 290ee-1(a). Federal departments and agencies must establish programs to assist employees with these problems in accordance with the legislation cited in § 792.101.

4. Paragraphs (a) through (c) of § 792.105 are revised to read as follows:

§ 792.105 Agency responsibilities.

(a) Agencies shall establish and administer programs through which practitioners who are knowledgeable in counseling and referral services can offer and provide employees who have alcohol and/or drug problems short-term counseling and/or referrals for long-term counseling or treatment.

(b) Agencies shall issue internal instructions implementing the requirements of 42 U.S.C. 290dd-1(a) and 290ee-1(a) and this regulation.

(c) Whenever a manager/supervisor becomes aware that a Federal employee's use of alcohol and/or drugs may be contributing to a performance or conduct deficiency, the manager/supervisor shall recommend counseling and refer the employee to the agency counseling program. If an employee fails to participate in any rehabilitative program or, having participated, the employee fails to bring conduct or performance up to satisfactory level, the agency shall evaluate the employee accordingly and initiate an appropriate performance-based or adverse action.

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[FR Doc. 85-10281 Filed 4-26-85; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Modification of Procedures To Implement a Raisin Diversion Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This action establishes procedures to give raisin producers a chance to submit diversion applications after the current December 20 deadline date, but only if the producer agrees to remove vines. The additional period for receipt of applications would be available only in those years when the tonnage of approved applications is less than the total tonnage declared eligible for diversion by the Raisin Administrative Committee. Interested producers would have to apply by an announced date not later than May 1 and approved subscribers would have to remove the vines not later than June 1, except that these dates may be extended by 30 days in the 1985 calendar year because of the lateness of the season and the need to maximize producer participation in the 1985 program. The raisin industry is faced with an urgent need to reduce long-term production capacity. This action was recommended unanimously by the Raisin Administrative Committee. The Committee works with the Department in administering the marketing order for California raisins.

EFFECTIVE DATE: April 23, 1985.
Comments due: May 29, 1985.

ADDRESS: Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the *Federal Register* and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5053.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553). The Raisin Administrative Committee approved a raisin diversion program for the 1985 crop to foster production cut-backs and assist growers with their current financial difficulties. The raisin industry desires to utilize these sign-up extension procedures for the 1985 program promptly because the current total tonnage represented by applications approved for 1985 is almost 16,000 tons less than the tonnage declared eligible for diversion by the Committee. Since approval of those applications by the Committee, it has received numerous inquiries from producers wishing to remove vines in 1985. To assure success of the diversion program for 1985, maximize producer participation, and achieve the production cut-backs the industry desires, producers desiring to remove vines should be given another opportunity to subscribe. However, time is running short, and these procedures must be implemented promptly to give producers enough time to plan accordingly, including a determination of the portion of the vineyard to be removed. This action has been discussed extensively by the industry and no useful purpose would be served by providing a period for public input, especially in view of the lateness of the season and the need for prompt implementation.

While this action needs to be effective immediately for the 1985 crop diversion program, the amendments are permanent regulations which may be utilized in future crop years. Therefore, it is appropriate to request comments before determining whether to finalize this modification on a permanent basis for future crop years.

This interim final rule amends § 989.156 of Subpart—Administrative Rules and Regulations (7 CFR 989.102-989.176; 50 FR 3879) by adding a new paragraph (s) to make the raisin diversion program more flexible in the area of producer participation. This subpart is operative pursuant to the marketing agreement and Order No. 989, both as amended (7 CFR Part 989; 50 FR 1830), regulating the handling of raisins produced from grapes grown in

California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On January 23, 1985, the procedural and operational details of the raisin diversion program were established in § 989.156 pursuant to § 989.56 of the marketing agreement and order program. Section 989.56 was added to the order when it was amended January 8, 1985. The program gives the industry a means of correcting its serious over-supply situation by providing a mechanism whereby producers voluntarily can decrease the quantity of raisin grapes grown for drying into raisins. Under this program, a raisin producer can halt production of raisins, but still have a quantity of reserve raisins (represented by a diversion certificate) to sell to handlers. The tonnage available would be from those reserve raisins previously determined by the Committee to be in excess of projected market needs.

Since implementation, the raisin industry has been striving to assure the success of the 1985 program and programs which may be needed in the future. To maximize opportunities for producer participation, the Committee recommended procedures for additional diversion through vine removal when the total tonnage on approved applications received before December 20 is less than the tonnage declared eligible for diversion by the Committee. The Committee limited diversion under these procedures to vine removal because that method of diversion would reduce production capacity on a more permanent basis than the other methods specified in § 989.156(h). The procedures would provide an additional period for submission of applications, and the tonnage available during the reoffer period would be limited to the difference between the tonnage on originally approved applications and the total tonnage declared eligible for diversion. Producers would have until an announced date not later than May 1 to submit such applications and these would be approved on a first-come, first-served basis.

The Committee further recommended that less than a total production unit may be approved for diversion during the reoffer period. This will provide an incentive for more producers to participate in the program and promote the use of vine removal which is the most direct and most effective way of accomplishing the diversion program objectives. The determination of the tonnage allowed for acreage removed for less than the total production unit

would be computed by multiplying the tonnage produced and verified on the entire unit by the ratio of the acreage removed divided by the acreage contained in the total production unit. After verification of the tonnage on the production unit has been completed and the application approved, the producer would notify the Committee when vine removal is to occur so the Committee can observe the removal. If the removal is not observed, no diversion certificate would be issued by the Committee.

The Committee received over a thousand applications from Thompson Seedless growers willing to divert their 1985 production. Approximately 60,000 tons of raisins representing about 30,000 acres have been approved for the 1985 diversion program. However, the Committee earlier determined that about 76,000 tons of reserve raisins are in excess of projected market needs. Since the close of the application period the Committee has received numerous calls from producers expressing interest in participating in the 1985 program. The Committee believes that the authority for an additional sign-up period for those producers agreeing to remove vines could increase the level of participation and assure the success of the 1985 program. The reoffer period will increase the opportunity for raisin producers to further reduce the 1985 crop through vine removal.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee, and other available information, it is further found that the changes hereinafter set forth will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

PART 989—[AMENDED]

Therefore § 989.156 is amended by adding and reserving paragraphs (q) and (r) and adding a new paragraph (s) to read as follows:

§ 989.156 Raisin diversion program.

(s) *Additional opportunity for vine removal.* (1) The Committee may announce a date later than that provided in § 989.156(b), by which producers, who agree to remove the vines on a production unit, or portion thereof may file an application to participate in a raisin diversion program. The announced date shall be no later than May 1, except this date may be extended 30 days for the 1985

calendar year. The diversion certificates will be issued only for the production units or portions thereof from which the vines are removed. The total tonnage available to such applicants shall not exceed the tonnage determined by deducting the tonnage approved for applications received on or before December 20 from the total tonnage announced as eligible by the Committee for diversion. Applications shall be considered and approved on a first-come, first-serve, basis and shall not be given preference over the tonnage approved for applications received on or before December 20. The vines shall be removed from the production units or portion thereof for which such applications are approved not later than June 1, except this date may be extended 30 days for the 1985 calendar year.

(2) Producers who agree to remove the vines pursuant to this paragraph shall notify the Committee in advance of the date when such vines will be removed in order to allow a representative of the Committee to observe and verify such vine removal.

(3) The determination of the tonnage allowed for acreage removed for less than a total production unit would be computed by multiplying the previous year's tonnage produced and verified on the entire unit by the ratio of the acreage removed divided by the acreage contained in the total production unit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 23, 1985.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 85-10307 Filed 4-26-85; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 85-033]

Swine, Pork, and Pork Products Imported From Norway

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the importation into the United States of swine, pork, and pork products by adding Norway to the list of countries in which hog cholera is not known to exist. It has been determined that hog cholera has now been eradicated from Norway. The

effect of this rule is to relieve certain restrictions on the importation into the United States of swine, pork, and pork products from Norway.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Dan Sheesley, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 844AAA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8170

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including hog cholera.

A document published in the Federal Register on February 27, 1985 (50 FR 7926-7927), proposed to amend §§ 94.9 and 94.10 of the regulations by adding Norway to the lists of countries in which hog cholera is not known to exist. Comments were solicited for a 30-day period ending March 29, 1985. No comments were received. Based on the rationale set forth in the proposal, the regulations are amended as proposed.

The effect of this action is to relieve restrictions on the importation of swine, pork, and pork products from Norway.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in accordance with Executive Order 12291 and has been classified as not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not result in a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived