

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-11772

Filed 5-21-86; 11:28 am]

Billing code 3195-01-M

Presidential Documents

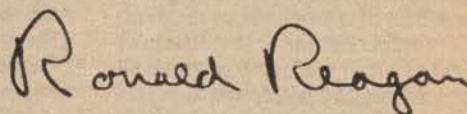
Executive Order 12559 of May 20, 1986

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b) of Title 5 of the United States Code, and in order to exempt certain agencies or subdivisions thereof from coverage of the Federal Labor-Management Relations Program, it is hereby ordered as follows: Executive Order No. 12171, as amended, is further amended by deleting Section 1-209 and inserting in its place:

Section 1-209. Agencies or subdivisions of the Department of Justice:

- a. The Office of Enforcement and the Office of Intelligence, including all domestic field offices and intelligence units, of the Drug Enforcement Administration.
- b. The Office of Special Operations, the Threat Analysis Group, the Enforcement Operations Division, the Witness Security Division and the Court Security Division in the Office of the Director and the Enforcement Division in Offices of the United States Marshals in the United States Marshals Service.



THE WHITE HOUSE,
May 20, 1986.

[FR Doc. 86-11773

Filed 5-21-86; 11:29 am]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 51, No. 99

Thursday, May 22, 1986

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.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 2054

Election of County Committee Members

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) adds a regulation which provides for the election of County Committee Members. This action is needed to comply with section 1311 of the Food Security Act of 1985 (Pub. L. 99-198). The intended effect of this action is to give farmers an opportunity to choose two persons from their area as County Committee Members.

DATES: Interim rule effective May 22, 1986; comments must be received on or before June 23, 1986.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this publication will be available for public inspection at the above address during regular office hours.

FOR FURTHER INFORMATION CONTACT: Robert A. Miller, Chief, Personnel Programs and Evaluation Branch, Personnel Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6440, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250; telephone (202) 382-1061.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA

Procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30 day comment period. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making because FmHA intends to implement immediately the procedures whereby County Committee Members can be elected in accordance with Pub. L. 99-198.

Environmental Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Intergovernmental Consultation Statement

This action affects the following Catalog of Federal Domestic Assistance numbers and programs:

- 10.404 Emergency Loans
- 10.405 Farm Labor Housing Loans and Grants
- 10.406 Farm Operating Loans
- 10.407 Farm Ownership Loans
- 10.416 Soil and Water Loans
- 10.421 Indian Tribes and Tribal Corporation Loans.

For the reasons set forth in the final rule related Notice to 7 CFR Part 3015, Subpart V, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Any delay in implementing this rule would be contrary to the public interest. The FmHA County Committee process is integral to the Agency's farm loan programs. Terms for County Committee Members will be expiring at the end of June. If the election procedures are not in place in time for this transition, the Agency will be faced with over 2,000 vacancies needed to be filled. With the expectation of receiving many more farm loans to process this year than last year, work of the County Committees will be greatly increased. Filling the County Committee's with temporary committee members will mean a lack of continuity in the process and possible unacceptable delays in dealing with the increased workload. Should this occur, it would place a significant hardship on the farm communities. In addition, the expiration of terms for County Committee Members is set to take place after farmers have completed spring planting. A delay in the election process would push the elections into a time period that would be disruptive to normal farm activities. A delay in the first year's elections would also result in disruption to future election cycles. Furthermore, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register.

Discussion of Action

County committee members assist local FmHA offices by determining the eligibility of applicants for Farmer Program (FP) loans. Currently, the members of these committees are appointed by FmHA officials. Section 1311 of Pub. L. 99-198, however, requires two of the three members to "... be elected, from among their number, by farmers deriving the principal part of their income from farming who reside within the county or area ..." FmHA hereby issues regulations for the nomination, election, appointment, pay

and functions of county and/or area committee members.

Paperwork Reduction Action

The paperwork requirements in this regulation have been approved by the Office of Management and Budget (OMB) and assigned OMB No. 0575-0117.

List of Subjects in 7 CFR Part 2054

Agriculture, County committee members.

Therefore, Chapter XVIII, Title 7 of the Code of Federal Regulations is amended by adding Part 2054 as follows:

PART 2054—EMPLOYMENT

Subparts A-V—[Reserved]

Sec.

2054.1-2054.1100 [Reserved]

Subpart W—Employment, Pay, and Functions of County and/or Area Committees

2054.1101 General.

2054.1102 Establishment and composition of county and/or area committees.

2054.1103 Functions of the county committee.

2054.1104 Eligibility to hold office.

2054.1105 Election requirements.

2054.1106 Voting eligibility.

2054.1107-2054.1110 [Reserved]

2054.1111 Conducting elections.

2054.1112-2054.1114 [Reserved]

2054.1115 Prohibition of employee participation in committee elections.

2054.1116 Ballots.

2054.1117 Absentee ballots.

2054.1118 Ballot boxes and safekeeping of returned ballots.

2054.1119 Basic requirements for ballot count.

2054.1120 Counting ballots and announcing results.

2054.1121-2054.1122 [Reserved]

2054.1123 Notifying candidates of election results.

2054.1124 Safekeeping and disposition of election records.

2054.1125 [Reserved]

2054.1126 Appointment.

2054.1127 Compensation.

2054.1128 Certification of services.

2054.1129 Termination of services.

2054.1130-2054.1149 [Reserved]

2054.1150-OMB Control Number.

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subparts A-V—[Reserved]

§§ 2054.1-2054.1100 [Reserved]

Subpart W—Employment, Pay, and Functions of County and/or Area Committees

§ 2054.1101 General.

This subpart provides instructions for selection of county committee members. Discrimination on the basis of race,

color, sex, religion, national origin, age, political affiliation, marital status, and/or handicap is prohibited.

§ 2054.1102 Establishment and composition of county and/or area committees.

(a) *General.* In each county or area in which FmHA activities are carried out, there shall be a county or area committee composed of three members:

(1) Two members shall be elected, by farmers deriving the principal part of their income from farming and have their principal farming operation within the county or area. "Principal part of their income" means more than 50 percent of their gross income must come from agricultural production. One member, who shall reside within the county or area, shall be designated by the State Director. Designations also may be made for alternates for each member of the county committee and will be subject to all other requirements contained in this subpart.

(2) In selecting the designated member of the county committee, care should be taken to ensure, to the greatest extent practicable, that the committee is fairly representative of the farmers in the county or area. Designated committee members must be in sympathy and accord with the family farm concept, be familiar with the problems of farmers and residents of rural communities, and be in general agreement with the objectives of FmHA. Designated members and alternates may be nonfarmers engaged in local business or professional work who reside in the county or area in which activities of the county committee are carried out. Eligible minorities and females will be designated, wherever possible, on county and/or area committees. Efforts will be made to obtain recommendations from civil and women's rights organizations. Some minority representation is expected where minorities comprise 20 percent or more of the rural or farm operator population, whichever is greater.

(b) *Area committees.* A county committee will normally be established in each county. Area committees may be established by State Directors to serve a part of a county, parts of two or more counties, or a combination of two or more counties when:

(1) Topography and communications make it impractical to establish county committees according to county boundaries;

(2) The workload in an individual county is extremely low; or

(3) More than one county office is necessary to service the workload in an individual county.

For the first election and all subsequent elections when a State Director establishes an area committee, he or she must issue a State supplement designating the boundaries that the committee will serve. The State Director shall give public notice of boundary changes to county or area committees in official county newspapers or publications serving the area at least 30 days before a county committee election takes place.

(c) *Temporary absence of committee members.* When committee members are not available to attend meetings, the County Supervisor can call alternates to become acting members of the committee with the same duties and authorities as regular members. A quorum of at least two members or alternates is needed to have a county committee meeting.

(d) *Permanent vacancies.* In cases of permanent vacancies, alternates may be used to complete the unexpired terms of either elected or designated members. Alternates should be designated in order to succession; e.g., first alternate, second alternate, and third alternate. Alternates succeeding to members' unexpired terms will serve out the remainder of the term. If an alternate is not available to fill county committee vacancy, the State Director will review the prevailing circumstances and determine the best course of action as follows:

(1) Continue with existing members until the next regular election.

(2) Designate additional alternates.

(3) Call a special election to fill vacancies.

(e) *Special elections.* The State Director may set the date for special elections that might be necessary in filling permanent vacancies, or vacancies caused by inability to complete a slate of nominees during a regular election. Vacancies created by the inability to complete a slate of nominees to fill an expired term of an elected member must be filled through special elections held not later than 120 days after the regular elections.

§ 2054.1103 Functions of the county committee.

(a) The major functions to be performed by FmHA County Committees, which are more specifically set out in the FmHA regulations relating to various program activities, consist of:

(1) Determining the eligibility of applicants for certain types of loans, including farmer program loans, irrigation and drainage loans and loans to grazing associations;

(2) Making recommendations on resolving problem cases;

(3) Conferring with the County Supervisor on the servicing of FmHA loans and with respect to borrowers who should be referred to other credit sources, including graduation;

(4) Making recommendations regarding applications for compromise, adjustment or cancellation of debts owed to FmHA;

(5) When requested by the County Supervisor, advising the County Supervisor, debtors and their creditors in connection with voluntary debt adjustment; and

(6) Attending appeal hearings authorized under Subpart B of Part 1900 of this chapter.

(b) Members will not be assigned to perform service as individuals and will be paid for service only when requested to attend county committee meetings, make certain field visits with the County Supervisor, and will attend appeal hearings and training meetings in accordance with FmHA regulations. This will not prohibit a county committee member from making inquiries concerning applicants and borrowers during the normal contacts in his or her county or area.

(c) The County Supervisor is authorized to convene the county committee subject to the limitations specified in paragraph 2054.1127(a)(1) of this subpart. Form FmHA 2006-9, "Notice of Visit or Meeting," may be used to notify county committee members of meetings. The County Supervisor serves without extra compensation as Executive Secretary of the county committee.

(d) The County Supervisor will prepare Form FmHA 2054-7, "Record of County Committee Meetings," and maintain such files and records as may be required to reflect actions taken by the committee. The County Supervisor may designate the Assistant County Supervisor to represent him or her at county committee meetings, when it is not possible for the County Supervisor to attend. Such designations may be made orally. In these instances, the Assistant County Supervisor will prepare and sign minutes of the meeting as Executive Secretary and other records necessary to reflect actions taken by the committee.

§ 2054.1104 Eligibility to hold office.

Elected committee members must be persons who have their principal farming operation within the county or area in which activities of the county committee are carried out, and derive the principal part of their income from farming (as defined in § 2054.1102(a)(1) of this subpart). Criteria for selection of the designated member and alternate

are found in § 2054.1102(a)(2) of this subpart. In addition, the elected and/or designated members and alternates must meet all of the following requirements to hold office as a county committee member:

(a) Be a citizen of the United States, or an alien lawfully admitted to the United States for permanent residence.

(b) Not have been removed for cause from any public office, or have been convicted of fraud, larceny, embezzlement, or any felony.

(c) Not have been dishonorably discharged from any branch of the armed services.

(d) Not be an officer or employee of a political party, or be active in the management or affairs of any political club, organization, or committee. Committee members are also subject to the prohibitions contained in several Executive Orders and the policy of the U.S. Department of Agriculture (USDA) with respect to holding public office. The general rules are contained in § 2045.1410 of FmHA Instruction 2045-CC (available in any FmHA office). Employees of FmHA, Agricultural Stabilization and Conservation Service, Soil Conservation Service, Extension Service or agents, or members of advisory boards or committees for these agencies are ineligible for appointment as FmHA county committee members.

(e) Not have served on other committees which make recommendations for approval of Federal Land Bank or Production Credit Association loans since FmHA may be involved in participation loans with such Farm Credit System loans. If serving on such other committees, county committee members may serve the remainder of their term on those committees provided they do not participate in any county committee actions which require a certification or recommendation on FmHA loan to applicants who are also obtaining Farm Credit System loans.

(f) Not be an individual (or spouse or dependent child of such an individual), stockholder of a corporation, member of a cooperative, joint operator of a joint operation, or partner in a partnership with an outstanding loan insured or guaranteed by FmHA, except as provided in FmHA Instruction 2045-BB (available in any FmHA office).

(g) Not perform any of the following functions for an FmHA-financed association or organization if he or she will continue such services after appointment:

(1) Serve as an official; or
(2) Perform administrative or employee functions, including performing clerical services, maintaining

financial or other records, preparing financial reports, or developing operating budgets.

(h) Meet the legal or regulatory requirements for appointment to Federal employment. (See §§ 2054.1125 and 2054.1126 of this subpart.) This determination will be made subsequent to nomination but prior to the committee member taking office.

§ 2054.1105 Election requirements.

(a) *Election dates.* All regular elections of county committee members shall be held in those years that an elected member's term expires. This date must be in June but not either a Saturday or Sunday or a federally or State-recognized holiday. It shall be selected by the State Director and announced to the public.

(b) *Length of terms.* At the first election of county committee members, one member shall be elected for a term of one year and one member shall be elected for a term of two years. The individual receiving the highest votes will serve the two year term. Thereafter, elected and designated members of the county committee shall serve for a term of three years.

(c) *Beginning dates of terms.* County committee members begin their terms as follows:

(1) For regular elections, no later than July 31.

(2) For special elections, no later than 30 days after the election was held.

(d) *Notice to the public.* Information concerning county committee elections shall be made available to the general public through the use of official county newspapers or publications in general circulation serving the area, through notices prominently posted in FmHA offices within the area, and, if possible, through public service announcements on radio and/or television stations serving the area.

§ 2054.1106 Voting eligibility.

An individual farmer is entitled to one vote. A "Farmer" who is a legal entity such as a corporation, partnership, cooperative, joint operation, association or other legal entity is entitled to one vote by its duly authorized representative. A farmer may vote in only one county or area election. In order to vote in the election of a county committee member, voters must:

(a) Be farmers.
(b) Derive the principal part of their income from farming (as defined in § 2054.1102(a)(1) of this subpart).
(c) Have their principal farming operation within the county or area for which the election is being held.

§ 2054.1107-2054.1110 [Reserved]**§ 2054.1111 Conducting elections.**

(a) *Election calendar (Exhibit C of this subpart, available in any FmHA office).*

(1) Election calendar provides a schedule of events for conducting the election.

(2) If the final date for any event is a nonworkday, it is, however, automatically extended to the next workday.

(b) *Developing slates of nominees.* Nomination by petition shall be the method used for developing slates of nominees.

(1) The period for nominating by petition should begin 45 days and end 20 days before the election date.

(2) The opportunity to nominate by petition shall be announced in official county newspapers or other publications in general circulation serving county or area and, if possible, through public service announcements on radio and television stations serving the area. In addition, notices shall be posted in all FmHA offices within the area. The Notice Of Right To Nominate By Petition shall be completed by the County Supervisor and read as set forth in Exhibit A of this subpart (available in any FmHA office).

(3) The minimum number of eligible nominees for a slate is one per vacant elected committee member position. The State Director or designated staff may solicit nominations to complete the slate.

(4) At least three eligible voters (including the nominee) within the county or area must sign a nominating petition in order for it to be valid. No one may sign more than one nominating petition.

(5) All eligible nominees nominated by valid petition shall be included on the slate for county committee.

(c) *Approval and processing of nominations by public petitions.* The County Supervisor shall review all petitions and verify their validity, including the eligibility of the nominee to hold office. In order to be valid, petitions must be:

(1) Limited to one nominee each.

(2) Signed by the nominee certifying that he or she is willing to serve if elected.

(3) Received in the County Office no later than 20 days before the election date, whether delivered in person or by mail.

(4) Accompanied by a signed statement from the nominee certifying that he or she meets the criteria to hold office.

(d) *Action to complete slate of nominees.* The State Director or designated staff may solicit nominations for enough candidates to complete the slate.

(1) The petitions will be returned to the County Office for execution of Form FmHA 2054-5, "Nominating Petition."

(2) The completed Form FmHA 2054-5 must be in the County Office no later than 20 days before the election. Attach all petitions and other documents as applicable.

(3) County Supervisor will send a letter to all eligible nominees explaining the duties of county committee member. See FmHA Guide Letter No. 2054-1 (available in any FmHA office).

(4) If less than the required minimum number of valid nominations are made by petition, the State Director will designate the necessary number of pro tem county committee members to have a full committee. These pro tem designees must meet all the requirements of this subpart concerning designated members and may serve only until a special election can be held. In no case will a pro tem appointment be made for more than 120 days.

§§ 2054.1112-2054.1114 [Reserved]**§ 2054.1115 Prohibition of employee participation in committee elections.**

FmHA employees shall not campaign for or against any county committee candidate or nominee, or actively participate in the election except as necessary to:

(a) Perform their official duties.

(b) Vote, if eligible.

§ 2054.1116 Ballots.

Ballots shall be published at the time an election is announced in official county newspapers or publications serving the area. The Notice of Election, which contains the ballot, shall be completed by the County Supervisor and read as set forth in Exhibit B to this subpart (available in any FmHA office). Each State will supplement this section if additional notices are needed. The announcement must be made at least 10 days prior to the date of the election. There shall be a statement in the announcement as to where and when the ballots should be returned. Ballots shall also be available at the county office. Ballots should be mailed to any person who requests one even though the person's eligibility has not been determined. The names of voters who vote in person will be verified against an ASCS voter list and checked off from that list. The ASCS voter list will be used by FmHA only as an indicator that the prospective voter is a farmer. Presence or absence of an individual

from the ASCS list does not automatically qualify or disqualify an individual. If a prospective voters' name is found on the ASCS list, and the individual submits a ballot, the prospective voter has self certified that he or she meets the criteria, and the ballot should be counted. If the prospective voter is not on the voter list, but can provide information that shows he or she is otherwise eligible, the voter's name should be added to the voter list and he or she permitted to vote.

§ 2054.1117 Absentee ballots.

Persons who do not plan to vote in person may request that a ballot be mailed to them. The ballot should be enclosed in an envelope along with voting instructions, a return envelope with the county office address, and a plain white envelope stamped ballot enclosed. The voter must pay the postage on the return envelope. The name of the voter will be verified against a ASCS voter list and checked off that list. If the prospective voter is not on the ASCS voter list, the County Supervisor will hold the ballot in abeyance and write the individual advising that he or she must either bring documentation in person to the county office or provide written evidence that he or she meets the voter criteria. Individuals must be given 5 working days to respond. If the prospective voter does not respond within the time frame permitted, or does not provide sufficient information for the County Supervisor to make a determination, the vote will not be counted, and the ballot will be destroyed. All verified mailed ballots will be placed unopened in the ballot box by the county staff.

§ 2054.1118 Ballot boxes and safekeeping of returned ballots.

Each county office holding an election will provide a ballot box in the county office. The boxes must:

(a) Be of sufficient size.

(b) Be constructed so ballots cannot be read or removed.

(c) Be sealed so that tampering with the box would be visible.

(d) Be identified as the ballot box for the county or area in which it is used.

§ 2054.1119 Basic requirements for ballot count.

Ballot counting by county office staff:

(a) Ballots shall be counted within 7 days after the election.

(b) The counting process should be public. This can be done by counting it in the county office during regular work hours.

§ 2054.1120 Counting ballots and announcing results.

The county office staff shall:

- (a) Announce the beginning of the count, if witnesses are present.
- (b) Open the ballot box in the presence of witnesses.
- (c) Examine the ballots and determine whether each meets the election requirements.
- (d) Separate the valid from the invalid ballots. Invalid ballots will not be counted and will be destroyed as specified in § 2054.1124 of this subpart.
- (e) Call out the votes shown on the ballots.
- (f) Review the final vote count and determine the candidates elected.
- (g) Settle all two-way ties by coin toss, if necessary. Ties involving more than two will be settled by drawing lots.

§ 2054.1121-2054.1122 [Reserved]**§ 2054.1123 Notifying candidates of election results.**

The County Supervisor will promptly notify candidates of election results in writing. See FmHA Guide Letter No. 2054-2.

§ 2054.1124 Safekeeping and disposition of election records.

- (a) Ballots for each County Office should be placed in a sealed container.
- (b) Contents of containers should be retained for 30 days after the elections and then destroyed if no complaint or investigation is received.
- (c) Voter lists, and other election documents should be retained in the county office files and disposed of after a period of 3 years.

§ 2054.1125 [Reserved]**§ 2054.1126 Appointment.**

- (a) *Employment conditions.* County committee members both elected and designated are given Federal appointments on an intermittent basis under "Schedule A, § 213.3113(e)(2)" of Civil Service Rules and Regulations. They are not required to take an Office of Personnel Management (OPM) examination and are not selected from OPM registers. They do not acquire competitive status through their appointment, but such service is creditable toward retention and retirement in connection with other Federal employment. Neither Retirement nor Social Security deductions are made from their pay, nor do they earn annual or sick leave. County committee members are not eligible for life insurance or health benefits coverage.
- (b) A person may be appointed and paid as a county committee member while also holding another Federal

appointment in an agency on a part-time or intermittent basis, subject to the exclusions found in § 2054.1104(d) of this subpart. In such cases, the member may not receive pay under both appointments for more than 40 hours in any one calendar week.

(1) A full-time Federal employee may be appointed only on a "Without Compensation" (WOC) basis.

(2) A full-time or part-time State government employee (not disqualified under § 2054.1104 of this subpart) may be appointed. If acceptance of Federal salary would violate a State law, while acceptance of the appointment itself would not be prohibited by the State Constitution or laws, it may be made on a WOC basis.

(3) A retired civilian employee of the Federal Government may be appointed only on a WOC basis.

(4) Dual compensation restrictions do not apply to persons receiving retired pay for enlisted military service, provided they are not receiving other payments from the Federal Government which would constitute violation of such restrictions.

(5) Dual compensation restrictions apply for persons receiving retired pay for service as a commissioned officer. The State Director will make the necessary determinations in such cases in accordance with FPM Chapter 550, Subchapter 6, "Reduction-in-Retired Pay Provision of the Dual Pay Status."

(c) *Appointment procedures.* The following procedures are to be followed:

(1) The County Supervisor will have the prospective county committee members including alternates complete Standard Form 171, "Application for Federal Employment," in an original only, which will be forwarded to the State Director by the County Supervisor with Form FmHA 2054-6, "Mileage Certification for County Committee Members," in an original completed by the County Supervisor. On Standard Form 171, in connection with the answers to questions on veteran's preference, the nominee should be told that he/she does not need to submit proof of military service.

(2) *Care should be taken that all Federal, territorial, State, county, or local offices held by a nominee for county committee appointment are specified on Standard Form 171, in the space showing experience, so that the State Director may determine eligibility under the applicable restrictions.*

(3) The State Director will review Standard Form 171 for completeness and conformity with requirements and will process Form AD-350A, "Personnel Action Input." The State Director will send a copy of Forms AD-350A, AD-

349, "Declaration Sheet," with Part A completed, Treasury Form W-4, "Employee's Withholding Exemption Certificate," and State Income tax withholding form, where applicable, to the County Supervisor. The copy of Form AD-350A will be retained in the county office committee file. FmHA Instruction 2045-BB and the USDA Employee Handbook entitled, "You and Your Job," and Appendix 1, "Employee Responsibilities & Conduct," will be sent to the County Supervisor with other forms for distribution to the new committee member.

(4) The County Supervisor will instruct the committee member in completing the Form AD-349, Treasury Form W-4, and State withholding form, when used, and will return these forms to the State Director for review. The date of Appointment Affidavit should be recorded on Form AD-321-3, "Time and Attendance Report," before Form AD-349 is forwarded to the State Director. Failure to enter the date of Appointment Affidavit on the Time and Attendance Report will delay the county committee member's pay. Form AD-349 must be executed in its entirety, including the continuation of Part C on the reverse. The State Director will forward the "Employee Copy" of Standard Form 50B printout produced by National Finance Center (NFC) to the County Supervisor for delivery to the county committee member.

(5) The terms of committee members and alternates begin on the effective date of the Schedule A Appointment.

§ 2054.1127 Compensation.

(a) *Computing time.* Service performed by regular and alternate county committee members will be computed in units of whole days. Alternate county committee members who, at the request of County Supervisors, attend county committee meetings for training purposes are entitled to compensation even if all three regular county committee members are present. The fact that alternates cannot take any official part in county committee functions under such circumstances does not preclude entitlement to compensation.

(1) *Service time limits.* County committee members are limited to a maximum of 20 days of service in any one calendar month. Avoid short or unnecessary meetings.

(2) *Compensation restrictions.* Payment of salary for county committee services (as distinguished from the allowance "in lieu of travel and subsistence") may be prohibited in some

cases as outlined in § 2054.1126(b) (3) and (4).

(b) *Rates of pay and allowance.* For county committee services performed in connection with the FmHA program, members will be paid at the basic daily rate of \$21.00 plus an allowance in lieu of travel and subsistence on a sliding scale based on the distance from the county committee member's residence to the county office or other place where county committee meetings are normally held, as provided below:

One-way mileage from residence to meeting place	Salary	Allowance	Total
25 or less	\$21.00	\$6.00	\$27.00
25-50	21.00	9.00	30.00
51 and over	21.00	12.00	33.00

(1) The allowance in lieu of travel and subsistence for each county committee member will be established by the State Director at the time of appointment. The rate will be based upon certification from the County Supervisor as to the mileage between the county committee member's residence and the place where meetings are normally held, by way of the most commonly traveled route. This rate will remain fixed after initially established, unless there is a change in the residence or the place where meetings are normally held, so as to place the member in a lower or higher allowance zone. The change in allowance is effective the first of the month which is not less than 30 calendar days after the change in residence or the first meeting at the new regular location. Changes in the allowance in lieu of travel and subsistence will not be made for attendance at training meetings, appeal hearings or for occasional county committee meetings not held at the regular location.

(2) County Supervisors will certify on Form FmHA 2054-6, for each person appointed. The certification will be submitted to the State Director at the time other documents required by § 2054.1128(a) of this subpart are submitted.

(3) A revised certification on Form FmHA 2054-6 will be submitted for a county committee member as required. This certification will be submitted as soon as possible after the county committee member's residence has changed, or after the first county committee meeting at the new location.

(4) If the County Supervisor has positive knowledge of the proper mileage zone, he or she may make the required certification without taking speedometer readings. Otherwise, the certification will be based on actual speedometer readings.

(5) The speedometer readings will be taken to the nearest full mile, with five tenths of a mile counted as the next highest mile (for example: 20.4 = 20; 20.5 = 21; 20.7 = 21). All certification will be prepared in duplicate, with a copy retained in the county office.

§ 2054.1128 Certification of services.

The County Supervisor will certify bi-weekly on Form AD-321-3, all services for which county committee members are to be paid. These forms should be completed and submitted promptly to NFC according to the Management of Objectives with Dollars through Employees (MODE) Time and Attendance Report Handbook.

§ 2054.1129 Termination of services.

If a county committee member is terminated prior to expiration of the appointment, the State Director will process Form AD-350A. The Employee's Copy will then be forwarded to the County Supervisor for delivery, using Form FmHA 2054-4, "Separation Notice to the County Area Committee members," or other suitable letter from the State Director to the committee member. If other than the form letter is used, a copy should be provided for the county committee file. If the form letter is used, no copy is needed.

(a) *Resignation.* The resignation of a county committee member may not be coerced by the County Supervisor or any other person. Members wishing to resign, however, should be urged to do so in writing so that the resignation may be accepted by official action. Resignations will be sent by the County Supervisor to the State Director, accompanied by a recommendation for replacement, if possible.

(b) *Other separations.* (1) The County Supervisors will inform members that they no longer meet eligibility requirements when they enter military service or move from the area and will also notify the State Director. If a resignation is not submitted promptly, termination of the appointment will be processed by the State Director.

(2) When a committee member accepts public office or engages in political activity in violation of the restrictions outlined in § 2054.1104 of this subpart, it is the State Director's responsibility on receipt of such information to make a full report to the Administrator. Upon receipt of a decision or guidance from the Administrator, the State Director will handle the case and direct the processing of any necessary personnel action.

(3) The County Supervisor will notify the State Director if a member dies so

that the appropriate action may be processed.

(4) If the County Supervisor or other FmHA officials have information concerning personal conduct of a county committee member which adversely affects FmHA and the USDA, such information should be sent in a confidential letter to the State Director who will forward a report with recommendations to the Administrator. Upon receipt of a decision or guidance from the Administrator, the State Director will handle the case and direct the processing of any necessary personnel action.

(5) Where termination is due to the expiration of the term of appointment, a termination action is not necessary. NFC will automatically drop the county committee member from FmHA rolls. A letter of appreciation will be sent to the county committee member by the State Director.

§§ 2054.1130-2054.1149 [Reserved]

§ 2054.1150 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575-0117.

Dated: April 7, 1986.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 86-11508 Filed 5-21-86; 8:45 am]
BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements; Nonimmigrants, Waivers, Admission of Certain Inadmissible Aliens; Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of countries for which transit without visa privileges are unavailable to include Libya. This action is necessitated by the increase in Libyan sponsored terrorism.

EFFECTIVE DATE: May 22, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information:
Loretta J. Shogren, Director, Policy Directives and Instructions,