Sunshine Act Meetings

Federal Register
Vol. 55, No. 38
Monday, February 26, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMISSION ON CIVIL RIGHTS

February 20, 1990.

DATE AND TIME: Friday, March 2, 1990, 1:30 p.m.–6:00 p.m.

PLACE: 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of October Meeting
Approval of Minutes of November Meeting
III. Announcements
IV. SAC Reports and Appointments
Southeast Asian Refugees and Their Access to Health and Mental Health Services (Connecticut)
Selected Civil Rights Issues in Iowa's Public Education
Civil Rights Implications of Minority Student Dropouts (Michigan)
Bigotry and Violence on Missouri's College Campuses
Equal Educational Opportunity for Minority Students in the Morris School District (New Jersey)
Implementing the 1988 Fair Housing Amendments Act (Pennsylvania)
Bigotry and Violence in Rhode Island, Alaska, Arizona, Hawaii, Indiana, Kansas, Louisiana, New Mexico, South Dakota, and Texas SAC Appointments
V. Commission Subcommittee Reports
VI. Staff Director's Report
A. FOIA Regulations
B. FY 1990 Budget
C. FY 1991 Budget
D. *Economic Status of Black Women: An Exploratory Investigation*
E. Statement on Bigotry and Violence
VII. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376–8312.

Jeffrey P. O'Connell,
Acting Solicitor.

[FR Doc. 90–4442 Filed 2–22–90; 1:54 pm]

BILLING CODE 6335-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 20, 1990.

TIME AND DATE: 10:00 a.m., Thursday, March 1, 1990.

PLACE: Room 600, 1730 K Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. *Cyprus Empire Corporation v. Secretary of Labor*, Docket No. WEST 88–250–R, etc. (Issues include whether the administrative law judge erred in finding that Cyprus violated 30 CFR 75.202(a) and in affirming an imminent danger withdrawal order which was based in part on the alleged violation.)

Any person intending to attend this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(d).

TIME AND DATE: Immediately following oral argument.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Cyprus Empire Corporation, Docket No. WEST 88–250–R, etc.

It was determined by a unanimous vote of Commissioners that this item be considered in closed session.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5629/(202) 708–9300 for TDD Relay 1–800–877–8339 (Toll Free).

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 90–4406 Filed 2–22–90; 1:52 pm]

BILLING CODE 6735-01-M

INTERSTATE COMMERCE COMMISSION

Commission Voting Conference

TIME AND DATE: 10:00 a.m., Thursday, March 1, 1990.

PLACE: Hearing Room A, Interstate Commerce Commission 12th and Constitution Avenue, NW., Washington, DC 20423.

STATUS: The purpose of the conference is for the Commission to discuss among themselves, and to vote on, the agenda item. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

No. 38301S
Coal Trading Corporation, et al.
v.
The Baltimore and Ohio Railroad Company, et al.

CONTACT PERSON FOR MORE INFORMATION: A. Dennis Watson, Office of Government and Public Affairs, Telephone: (202) 275–7252.

Noreta R. McGee,
Secretary.

[FR Doc. 90–4407 Filed 2–22–90; 1:53 pm]

BILLING CODE 7035-01-M

NEIGHBORHOOD REINVESTMENT CORPORATION

Special Meeting of the Board of Directors

TIME AND DATE: 8:00 a.m., Tuesday, February 27, 1990.

PLACE: Comptroller of the Currency, 490 L'Enfant Plaza, SW., Sixth Floor, Comptroller's Conference Room, Washington, D.C. 20219.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Martha A. Diaz-Ortiz, Assistant Secretary, 376–2400.

AGENDA:

I. Annual Review of Executive Accomplishments, and other internal personnel matters; and
II. Officers' Compensation

Martha A. Diaz-Ortiz,
Assistant Secretary..

[FR Doc. 90–4446 Filed 2–22–90; 2:35 am]

BILLING CODE 7570-01-M

NEIGHBORHOOD REINVESTMENT CORPORATION

Audit Committee Meeting

TIME AND DATE: 10:00 a.m., Tuesday, February 27, 1990.

PLACE: Comptroller of the Currency, 490 L'Enfant Plaza SW., Sixth Floor, Comptroller's Conference Room, Washington, DC 20219.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Martha A. Diaz-Ortiz, Assistant Secretary, 376–2400.

AGENDA:

I. Receive report of outside auditors; and
II. Progress Report on followup to internal audit findings.

Martha A. Diaz-Ortiz,
Assistant Secretary.

[FR Doc. 90–4447 Filed 2–22–90; 8:45 am]

BILLING CODE 7570-03-M

Corrections

Federal Register
Vol. 55, No. 26
Monday, February 26, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-178]

Gypsy Moth Regulated Areas

Correction

In rule document 90-473 beginning on page 711 in the issue of Tuesday, January 9, 1990, make the following correction:

§ 301.45-2a [Corrected]

On page 712, in the second column, in amendatory instruction 2. in the first line, "Section 30.45-2a" should read "Section 301.45-2a".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 90129-9184]

RIN 0694-AA04

Electronic Computers and Related Equipment; Revisions Based on COCOM Review

Correction

In rule document 89-19259 beginning on page 33662 in the issue of Tuesday, August 15, 1989, make the following correction:

Supplement No. 1 to § 799.1 [Corrected]

On page 33663, in the first column, in ECCN 1565A, paragraphs "(h)(2)(vii)(a)-(m)" should be designated paragraphs "((h)(2)(vii)(A)-(M))" and paragraphs "(l)(a), (b) and (c)" should be designated paragraphs "(L)(*1*), (*2*) and (*3*)".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 90493-0036]

RIN 0648-AC15

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

Correction

In proposed rule document 90-3514 beginning on page 5242 in the issue of Wednesday, February 14, 1990, make the following correction:

On page 5242, in the second column, under DATES, in the last line, "March 1, 1990" should read "February 26, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority; Office of the Regional Director et al.

Correction

In notice document 90-3294 beginning on page 5072 in the issue of Tuesday, February 13, 1990, make the following correction:

On page 5072, in the third column, "2. Add a new paragraph D as follows:" "D. Division of Cost Allocation and Liaison."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 76C-0044 and 76N-0366]

RIN 0905-AB60

Color Additives; Denial of Petition for Listing of FD&C Red No. 3 for Use in Cosmetics and Externally Applied Drugs; Withdrawal of Petition for Use in Cosmetics Intended for Use in the Area of the Eye

Correction

In notice document 90-2264 beginning on page 3520 in the issue of Thursday, February 1, 1990, make the following corrections:

1. On page 3523, in the 2nd column, in the 23rd and 24th lines, remove, "or C.I. Food Red 14.45430".

2. On page 3524, in the 3rd column, in the 3rd complete paragraph, in the 22nd line, "(p<)" should read "(p>)".

3. On page 3529, in the third column, in paragraph (5), in the fifth line, "and" should read "are".

4. On the same page, in the same column, in the last paragraph, in the first line, "monodeiodinase" was misspelled.

5. On page 3530, in the 3rd column, in the 1st complete paragraph, in the 10th line, after "3" add "in".

6. On page 3531, in the second column, in the second complete paragraph, in the third line, "female" was misspelled.

7. On page 3533, in the second column, in paragraph (b), in the ninth line, "to" should read "and".

8. On page 3534, in the first column, in the seventh line, "tetraiodofluorescein", was misspelled.

9. On page 3536, in the 1st column, in paragraph (1), in the 13th line, "tests" was misspelled.

10. On the same page, in the second column, in paragraph (ii), in the 10th line, "euthyroid" was misspelled.

11. On page 3539, in the third column, in the third paragraph, in the first line, "TSH-medicated" should read "TSH-mediated".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-ANE-12; Amdt. 39-6419]

Airworthiness Directives: Garrett Engine Division (Hereinafter Called "Garrett"), Allied-Signal Inc., Models TFE731-3, -3A, -3AR, and -3R Turbofan Engines

Correction

In rule document 90-1228 beginning on page 2056 in the issue of Monday, January 22, 1990, make the following corrections:

1. On page 2057, in the table, in the first column, the eighth line should read "3074100-3/-6/-9".

2. On the same page, in the table, in the second column, remove all the dashes after "TFE".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-88-14]

RIN 2125-AC19

Commercial Driver's License Standards; Disqualifications

Correction

In rule document 89-22883 beginning on page 40782 in the issue of Tuesday, October 3, 1989, make the following correction:

§ 383.51 [Corrected]

On page 40788, in the second column, in § 383.51(b)(3)(iv), in the third and fourth lines, "paragraphs (b)(3)(i) through (b)(2)(iv)" should read "paragraphs (b)(2)(i) through (b)(2)(iv)".

BILLING CODE 1505-01-D

federal register

Monday
February 26, 1990

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 172 and 173

Air Bag Inflators and Modules for Passive Restraint Systems; Conversion of Individual Exemptions Into Regulations of General Applicability; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM-139H; Notice No. 90-3]

RIN 2137-AA44

Air Bag Inflators and Air Bag Modules for Passive Restraint Systems; Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA is proposing to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) governing the transportation of air bag inflators and air bag modules, which are vehicular components in certain passive restraint systems. This proposal, based on a petition for rulemaking (P–1054) filed by the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA), would provide for transportation of these components under provisions contained in the HMR rather than under the exemption program. The intended effect of this action is to simplify transportation of these components by eliminating the need for exemptions, thus reducing processing costs, paperwork and time delays.

DATES: Comments must be received by April 12, 1990.

ADDRESSES: Address comments to Dockets Unit, Office of Hazardous Materials Transportation, Washington, DC 20590. Comments should be submitted, when possible, in five copies and should identify the docket. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT: Charles Schultz, (202) 366–4545, Technical Division; or Hattie L. Mitchell, (202) 366–4488, Standards Division, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

An air bag module is a complete assembly, consisting of an inflatable air bag and an inflator. This assembly is part of a passive restraint system mounted in the steering wheel or glove compartment of an automobile and is activated when the vehicle is subjected to a predetermined level of impact. The air bag inflator has three major components; namely, a main gas generant, a booster material and an igniter. The booster material and gas generant are typically class B propellant explosives. The igniter is typically a class C explosive.

Under the requirements in the HMR, an air bag inflator or an air bag module is described and classed as an explosive power device, class C or B, depending on its size. Except as specifically provided in § 173.86, the HMR require that all new explosives be examined and assigned a recommended shipping description and hazard class by the Department of the Interior's Bureau of Mines (BOM) or the Association of American Railroads' Bureau of Explosives (BOE), prior to their being classed and approved for transportation by the Director, Office of Hazardous Materials Transportation (OHMT). A "new explosive," as defined in § 173.86(a)(2), means an explosive compound, mixture or device, produced by a person who (1) has not previously produced that explosive compound, mixture or device; or (2) has previously produced the explosive compound, mixture or device but has made a change in the formulation, design, process or production equipment.

Under the terms of an exemption, air bag inflators and air bag modules may be classed as flammable solids for transportation in the United States when the complete package has been examined for that hazard class by the BOE or BOM and approved by the Director, OHMT. Exemption of these devices is based on extensive testing performed on air bag inflators and modules; i.e., bonfire test, initiation of the devices, etc. Since 1968, RSPA has issued five exemptions authorizing the transportation of air bag inflators and modules as flammable solids. These exemptions are DOT–E 8214, E 8236, E 8273, E 9066, and E 10086. All transportation of these devices as flammable solids in the United States are under exemption. RSPA issued another exemption, DOT–E 10103, which authorizes transportation of certain air bag modules, installed in automobile steering assemblies and packaged in accordance with the terms and conditions prescribed in the exemption, without being subject to the other requirements of the HMR. No incidents have been reported to RSPA involving transportation of these devices under the subject exemptions.

The MVMA has petitioned RSPA to amend the HMR to provide relief from the constraints of the DOT exemption process, and partial relief from the approval process for transportation of air bag inflators and modules. The MVMA petition requests that RSPA: (1) Add an entry of "Air bag module *or* air bag inflator assembly" in the Hazardous Materials Table, in § 172.101, with a corresponding hazard class of flammable solid; (2) Remove the requirement that sodium azide-based air bag modules and inflator assemblies must be examined by the BOE or BOM as a "new" explosive for each package modification, and; (3) Add requirements to allow air bag modules and inflators to be packaged in bulk quantities and be transported in all modes.

In its petition, MVMA stated, in part:

> During the initial development of the sodium azide-based inflator technology, review by the BOE or BOM of each modification and assignment by DOT of a separate exemption to each manufacturer may have been necessary to ensure this new technology did not present a hazard during transportation. However, 20 years of experience with the technology has demonstrated the manufacturers' ability to construct modules and inflators with exceptional reliability in handling and shipping.
>
> The sodium azide-based technology used today, is basically the same as that developed in the late 1960s and 1970s; however, enhancements have increased the safety and reliability of the inflators and modules. Improvements in the air bag systems have all but eliminated the potential of inadvertent deployment due to electromagnetic or radio frequency interference. When inflator housings began to be made of aluminum, an autoignition capability was added to improve safety in case of fire.
>
> Since the earliest development programs, many tests have been conducted and documented to improve and ensure the safety of the inflators and air bag modules, both installed in vehicles and as unassembled devices being handled and transported. The inflator/module is required to undergo strict design and construction validation tests as specified by the individual motor vehicle manufacturers and/or inflator manufacturers. These tests include various combinations of high and low temperature conditioning; high humidity soaks; vibration and shock (drop) treatment and high altitude simulations. These are nondestructive tests, designed to provide extreme conditioning without deployment or loss of structural integrity. Upon subsequent deployment, the conditioned hardware is expected to demonstrate performance to clearly defined

standards. Other tests conducted on the inflator and components to safeguard against inadvertent deployment include electrostatic and radio frequency interference tests. Bonfire testing is required on the inflators and/or modules to demonstrate that gas generation occurs prior to loss of structural integrity of the housing.

Since initial development in the late 1960s, nearly one-half million modules or inflator assemblies have been shipped under exemptions and approvals issued by your office. To our knowledge, there have been no inadvertent deployments during handling or shipping of either inflator assemblies or modules.

Because of the superior safety record and the extensive industry testing program, MVMA believes the regulation in transport of sodium azide-based air bag modules and inflator assemblies can be greatly simplified while providing an equivalent level of public safety.

One reason for MVMA's concern that these devices be transported under regulations of general applicability is the automotive industry's projection that as many as 3 million U.S.-manufactured cars may be equipped with air bags in 1990. This figure represents a substantial increase from the approximately 400,000 air bags installed in 1989 model cars. Beginning in the 1990 model year, all passenger cars sold in the United States are required under regulations issued by DOT's National Highway Traffic Safety Administration to be equipped with automatic restraints, consisting of either an air bag combined with a manual seat belt or an automatic motorized seat belt.

Based on the satisfactory transportation safety record that air bag inflators and modules have had over the past 20 years, RSPA agrees with the MVMA that consideration should be given to simplifying the process for shipment of these devices. However, RSPA finds that conversion of the exemptions into regulations of general applicability, as suggested by the MVMA, poses certain regulatory problems. First, RSPA does not agree with MVMA's suggestion that any inflator containing no more than 2 grams of ignition material, 140 grams of boostering materials or enhancers, and 850 grams of sodium azide-based propellant as the primary gas generant be classed as a flammable solid without examination by the BOM or BOE. These devices would currently be classed for transportation by RSPA as class C or B explosives, depending on the size of the individual device. Generally, devices containing over 200 grams of sodium azide gas generant are class B explosives. Under the terms and conditions of an exemption, RSPA authorizes the transortation of these devices as flammable solids based on an examination and review of the test results on the complete package, thus allowing shippers to transport the devices under less restricitve provisions. RSPA relies heavily on the BOM or BOE examination report to reclassify the complete package as a flammable solid.

Second, MVMA based its case for amending the requirements pertaining to air bag inflators and air bag modules on the fact that sodium azide-based gas generators have undergone many documented tests to ensure their safety and reliability when installed in vehicles, and as unassembled devices being handled and transported. While this line of reasoning may be true for the presently approved sodium azide-based devices, RSPA believes that other types of propellants and configurations will be considered for use in the future. MVMA's petition contains no proposal to ensure the continued use of safe designs and contains no safety measures or criteria for evaluation and testing of other types of gas generating materials. Accordingly, RSPA is proposing in this notice to retain the requirement that air bag inflators or air bag modules be examined by the BOE or BOM and be classed and approved for transportation by the Director, OHMT. However, the need for an exemption to reclassify these devices as flammable solids will no longer be necessary. Under this proposal, procedures for obtaining approval of these devices would be as follows:

1. Under the explosive approval provisions in § 173.86, a manufacturer would have the inflator or the module examined by the BOM or BOE and then submit a written application for approval of the device to the Director, OHMT. If a manufacturer obtains approval for an inflator and later attaches it to an air bag, the module becomes a new device requiring a new approval. However, unlike the inflator, which must be examined by the BOM or BOE, the module may be approved by the Director, OHMT, without additional examination if an applicant submits a complete, written application to the Director, OHMT. Any written application for the module should contain a detailed description of the device, including size, design, chemical composition (including a list of formulas), a master drawing showing location of all components, test results, the EX-number approval letter on the original inflator or module, if applicable, and copies of all other relevant background data for processing the approval request. To facilitate variations in the design, without the need for a new approval, the application data should be based on the maximum parameters of each particular design type for which approval is sought. The manufacturer will be issued one EX-number approval for the inflator and another EX-number approval for the module, as they are considered two different explosive devices. The approval will be based on the maximum parameters for which approval was sought. This will allow manufacturers to make certain changes in their device, for example, changes in the weights of the components or changes in hardware not affecting the safety of the units. If a manufacturer finds it questionable whether a change in formula or packaging is within the parameters of the approved design, details on the change may be submitted to RSPA for a determination on whether the modified device must be re-examined by the BOM or BOE. Any change in formula or packaging not within the parameters of the approved design is subject to the examination and approval provisions in § 173.86.

2. An applicant may seek approval for classification of an air bag inflator or an air bag module as a flammable solid in accordance with the provisions of § 173.199(b). In addition to the information outlined in item 1 above, the application should contain detailed information on the packaging intended for use in shipping the devices or, if unpackaged, on the handling system. Except when transported by aircraft, no quantity or weight restrictions would be imposed on the transportation of these devices as flammable solids.

RSPA believes these proposed provisions are needed to ensure package integrity, and to ensure the continued safe handling and transportation of these devices. RSPA believes all devices currently being manufactured would qualify for transportation in the United States as flammable solids or class C explosives. However, RSPA solicits comments on the accuracy of these assumptions and on whether there is a need to provide for the transportation of some of these devices as class B explosives. In addition, it should be noted that, irrespective of DOT approvals classifying these devices as flammable solids, these devices continue to be classed as explosives under the provisions of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerious Goods by Air (ICAO Technical Instructions) and the International Maritime Organization's International Maritime Dangerous Goods Code (IMDG Code).

II. Review by Section

Section 172.101. The Hazardous Materials Table would be amended by adding two entries, "Air bag inflators or Air bag modules (for passive restraint systems)." One would appear with an identification number "NA 1325" and a corresponding hazard class of flammable solid, and the other with a corresponding hazard class of class C explosive.

Section 173.102. This section would be revised to provide for the transportation of air bag inflators and air bag modules as class C explosives.

Section 173.199. A new § 173.199 would authorize air bag inflators and modules to be classed as flammable solids after the complete package or handling system has been examined by the BOE or BOM and approved by the Director, OHMT. There would be no quantity or weight restrictions on the transportation of these devices, except when transported by aircraft.

III. Adminstrative Notices

A. Executive Order 12291

Based on information available concerning size and nature of entities likely to be affected, RSPA has determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the docket.

B. Executive Order 12612

I have reviewed this proposed rule in accordance with Executive Order 12612 ("Federalism") and have determined it has no substantial direct effects on the States, on the Federal-State relationship or on the distribution of power and responsibilities among levels of government. Thus, this proposed rule contains no policies that have Federalism implications, as defined in Executive Order 12612.

C. Impact on Small Entities

I certify that the proposed regulation will not have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

D. Paperwork Reduction Act

Information collection requirements contained in current § 173.86 pertaining to new explosives have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) and assigned control number, OMB No. 2137-0557. The information requirement contained in proposed § 173.199 is being submitted to OMB for review. Comments on the collection of information should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Department of Transportation. All comments must reference the title for this notice, "Air Bag Inflators and Air Bag Modules for Passive Restraint Systems."

IV. List of Subjects

49 CFR Part 172

Hazardous materials transportation.

49 CFR Part 173

Hazardous materials transportation and Packagings.

In consideration of the foregoing, 49 CFR parts 172 and 173 would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES, HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

1. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806; 49 CFR part 1.

2. In § 172.101, the Hazardous Materials Table would be amended by adding entries, in alphabetical sequence, to read as follows:

§ 172.101 Hazardous Material Table.

* * * * *

+AW	Hazardous materials descriptions and proper shipping names	Hazard Class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water Shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3A)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	* * *										
	Air bag inflators *or* Air bag modules (*for passive restraint systems*).	Class C Explosive.		Explosive C	173.102	173.102	50 pounds	150 pounds	1,3	5	
	Air bag inflators *or* Air bag modules (*for passive restraint systems*).	Flammable Solid.	NA 1325	Flammable Solid.	173.199	173.199	50 pounds	150 pounds	1,2	1,2	
	* * *										

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR part 1.

4. In § 173.100, paragraph (jj) would be added to read as follows:

§ 173.100 Definition of Class C Explosives.

* * * * *

(jj) Air bag inflator (consisting of a casing containing a main gas generant, a booster material and an igniter) is a gas generator used to inflate an air bag in a passive restraint system in a motor vehicle. An air bag module is the inflator plus an inflatable bag.

5. Section 173.102 would be revised to read as follows:

§ 173.102 Explosive cable cutters, explosive power devices, explosive release devices, starter cartridges (jet engine), air bag inflators or air bag modules (for passive restraint systems); Class C explosives.

(a) *Packagings:* Class C explosives covered by this section must be securely packaged as follows:

(1) In specification 12H, 23F, or 23H (§§ 178.209, 178.214 or § 178.219 of this chapter) fiberboard boxes. The gross weight of each package may not exceed 65 pounds.

(2) In strong wooden or metal boxes.

(b) Electrical contacts for ignition and lead wires, when present, must be short-circuited.

(c) *Marking:* In addition to meeting the marking requirements in Subpart D of Part 172 of this chapter, each package must be plainly marked "HANDLE CAREFULLY—KEEP FIRE AWAY."

(d) *Exceptions:* Under the provisions of § 173.86(i), the Director, OHMT may revise the classification for a device or except the device from the requirements of this subchapter. See § 173.199 for an air inflator or air bag module which has been classed as a flammable solid.

6. A new § 173.199 would be added to read as follows:

§ 173.199 Air bag inflators or air bag modules (for passive restraint systems).

(a) *Definitions:* An air bag inflator (consisting of a casing containing a main gas generant, a booster material and an igniter) is a gas generator used to inflate an air bag in a passive restraint system in a motor vehicle. An air bag module is the inflator plus an inflatable bag.

(b) *Classification and packaging:* Under the provisions of § 173.86(i), an air bag inflator or air bag module may be classed as a flammable solid when the complete package or, if unpackaged, the handling system has been examined by the Bureau of Explosives or the Bureau of Mines and approved by the Director, OHMT. The package or handling system used must conform with the terms and conditions prescribed in the approval. (NOTE: Notwithstanding classification of air bag inflators or air bag modules as flammable solids by the Director, OHMT, these devices are classed as explosives under the provisions of the ICAO Technical Instructions and the IMDG Code).

(c) *Exceptions:* (1) The Director, OHMT, may except certain air bag inflators or air bag modules from the requirements of this subchapter in the same manner as provided for explosives under § 173.86(i).

(2) An air bag module that has been approved by the Director, OHMT, and is installed in a motor vehicle is not subject to the requirements of this subchapter.

Issued in Washington, DC, on February 20, 1990, under authority delegated in 49 CFR part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 90-4201 Filed 2-23-90; 8:45 am]

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federal register

Monday
February 26, 1990

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New Restrictions on Lobbying; Interim Final Rule

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR PART 20

New Restrictions on Lobbying

AGENCIES: Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Humnan Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs; ACTION, Agency for International Development, Environmental Protection Agency, Export-Import Bank of the United States, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Overseas Private Investment Corporation, Peace Corps, Small Business Administration, Tennessee Valley Authority and United States Information Agency.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Fedreal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

DATES: OMB's interim final governmentwide guidance was effective December 23, 1989; this rule is effective February 26, 1990, except for the Department of Education. For the Department of Education effective date, see the agency specific preamble below. Comments must be in writing and must be received by April 27, 1990. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to the Office of Management and Budget, 10300 New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: See agency-specific preambles for the contact person for each agency.

SUPPLEMENTARY INFORMATION:

A. Background

On October 23, 1989, the president signed into law the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 ("the Act"). Section 319 of the Act amended title 31, United States Code, by adding a new section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 1352 took effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guarantee commitments that were or are entered into more then 60 days after the date of the enactment of the Act, i.e., December 23, 1989.

Section 1352 required the Director of the Office of Management and Budget (OMB) to issue governmentwide guidance for agency implementation of, and compliance with, the requirements of this section. The Conference Report indicated that the conferees "expect that all agencies shall expeditiously promulgate regulations to implement the requirements of this section, and that all such regulations shall be uniform and shall comply with the government-wide guidance issued by the Office of Management and Budget pursuant to paragraph (b)(7). Also, major agencies, as designated by OMB, shall issue a common rule complying with the guidance issued by OMB."

On December 18, 1989, OMB issued interim final governmentwide guidance. This guidance was published on December 20, 1989 (54 FR 52306–52332). In OMB's guidance, the following 29 major agencies were identified: Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transporation, Treasury, Veterans Affairs; ACTION, Agencies for International Development, Environmental Protection Agency, Export-Import Bank of the United States, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Overseas Private Investment Corporation, Peace Corps, Small Business Administration, Tennessee Valley Authority and United States Information Agency.

A second interim final common rule, part of the Federal Acquisition Regulation (FAR), for most contracts was published on January 30, 1990 (55 FR 3190). The FAR rule, this common rule, and OMB's interim final guidance will share a public docket. The final versions of all three will be published simultaneously.

Submission of Appendix A, Certification for Contracts, Grants, Loans, and Cooperative Agreements or Statement for Loan Guarantees and Loan Insurance, does not bind the Federal Goverment to award a contract, grant, loan, or cooperative agreement, or to make a commitment for a loan guarantee or loan insurance.

B. Regulatory Process Matters

This rule is not a major rule under Executive Order 12291. The Act requires certifications and disclosures to be made by all types of entities, including State agencies. For this reason, the agencies have determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 12612.

As a statutory matter, this rule applies to all entities, regardless of size.

The agencies find that publishing a notice of proposed rulemaking on this matter would be impracticable, unnecessary, and contrary to the public interest, since it would prevent compliance with the statutory deadline (60 days from the statute's date of enactment) for issuance of OMB's governmentwide guidance and the governmentwide effective date.

Consequently, this rule is published as an interim final rule. As an interim final rule, this regulation is fully in effect and binding. No further regulatory action by the agencies is essential to the legal effectiveness of the rule. In order to benefit from comments that interested parties and the public may make however, the agencies will keep the rulemaking docket open for 60 days. Comments are invited, on all portions of the rulemaking, through April 27, 1990. Following the close of the comment period, OMB and the agencies will respond to the comments and, if appropriate, amend provisions of OMB's governmentwide guidance and this rule.

C. Paperwork Reduction Act

This rule contains information collection requirements subject to the Paperwork Reduction Act. A Paperwork Reduction Act emergency approval was requested by OMB pursuant to 44 U.S.C. 3507(g) and 5 CFR 1320.18 and was granted under OMB control number 0348–0046. OMB estimates the reporting burden for this information collection to average 30 minutes per response. The time necessary for filing the first disclosure may differ from that for the subsequent disclosures. However, in the absence of experience with such reporting, OMB does not have sufficient data to determine the universe of total covered Federal actions or the volume of activity that will be affected by this rule. Therefore, an estimate of the total burden of this information collection requirement is not provided at this time. Public comment is requested to assist in accurately estimating the burden of this information collection, including: (1) Estimates of the amount of time required to comply with this reporting requirement, (2) estimates of the number of expected disclosure reports, and (3) the basis for these estimates.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

PART ____—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); [citation to Agency rulemaking authority].

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

Subpart A—General

§____.100 Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) Each person who requests or receives from an agency a Federal contract, grant, loan, or cooperative agreement shall file with that agency a certification, set forth in Appendix A, that the person has not made, and will not make, any payment prohibited by paragraph (a) of this section.

(c) Each person who requests or receives from an agency a Federal contract, grant, loan, or a cooperative agreement shall file with that agency a disclosure form, set forth in Appendix B, if such person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.

(d) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a statement, set forth in Appendix A, whether that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.

(e) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a disclosure form, set forth in Appendix B, if that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.

§_____.105 Definitions.

For purposes of this part:

(a) *Agency*, as defined in 5 U.S.C. 552(f), includes Federal executive departments and agencies as well as independent regulatory commissions and Government corporations, as defined in 31 U.S.C. 9101(1).

(b) *Covered Federal action* means any of the following Federal actions:

(1) The awarding of any Federal contract;

(2) The making of any Federal grant;

(3) The making of any Federal loan;

(4) The entering into of any cooperative agreement; and,

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Covered Federal action does not include receiving from an agency a commitment providing for the United States to insure or guarantee a loan. Loan guarantees and loan insurance are addressed independently within this part.

(c) *Federal contract* means an acquisition contract awarded by an agency, including those subject to the Federal Acquisition Regulation (FAR), and any other acquisition contract for real or personal property or services not subject to the FAR.

(d) *Federal cooperative agreement* means a cooperative agreement entered into by an agency.

(e) *Federal grant* means an award of financial assistance in the form of money, or property in lieu of money, by the Federal Government or a direct appropriation made by law to any person. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, loan insurance, interest subsidies, insurance, or direct United States cash assistance to an individual.

(f) *Federal loan* means a loan made by an agency. The term does not include loan guarantee or loan insurance.

(g) *Indian tribe* and *tribal organization* have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B). Alaskan Natives are included under the definitions of Indian tribes in that Act.

(h) *Influencing or attempting to influence* means making, with the intent to influence, any communication to or appearance before an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

(i) *Loan guarantee* and *loan insurance* means an agency's guarantee or insurance of a loan made by a person.

(j) *Local government* means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.

(k) *Officer or employee of an agency* includes the following individuals who are employed by an agency:

(1) An individual who is appointed to a position in the Government under title 5, U.S. Code, including a position under a temporary appointment;

(2) A member of the uniformed services as defined in section 101(3), title 37, U.S. Code;

(3) A special Government employee as defined in section 202, title 18, U.S. Code; and,

(4) An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, title 5, U.S. Code appendix 2.

(l) *Person* means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(m) *Reasonable compensation* means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

(n) *Reasonable payment* means, with respect to perfessional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

(o) *Recipient* includes all contractors, subcontractors at any tier, and subgrantees at any tier of the recipient of funds received in connection with a Federal contract, grant, loan, or cooperative agreement. The term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(p) *Regularly employed* means, with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guarantee commitment. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.

(q) *State* means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

§ ____.110 Certification and disclosure.

(a) Each person shall file a certification, and a disclosure form, if required, with each submission that initiates agency consideration of such person for:

(1) Award of a Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) An award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000.

(b) Each person shall file a certification, and a disclosure form, if required, upon receipt by such person of:

(1) A Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) A Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000,

unless such person previously filed a certification, and a disclosure form, if required, under paragraph (a) of this section.

(c) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraphs (a) or (b) of this section. An event that materially affects the accuracy of the information reported includes:

(1) A cumulative increase of $25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

(2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or,

(3) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

(d) Any person who requests or receives from a person referred to in paragraphs (a) or (b) of this section:

(1) A subcontract exceeding $100,000 at any tier under a Federal contract;

(2) A subgrant, contract, or subcontract exceeding $100,000 at any tier under a Federal grant;

(3) A contract or subcontract exceeding $100,000 at any tier under a Federal loan exceeding $150,000; or,

(4) A contract or subcontract exceeding $100,000 at any tier under a Federal cooperative agreement,

shall file a certification, and a disclosure form, if required, to the next tier above.

(e) All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (a) or (b) of this section. That person shall forward all disclosure forms to the agency.

(f) Any certification or disclosure form filed under paragraph (e) of this section shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation and shall not be shared by any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by section 1352, title 31, U.S. Code.

(g) For awards and commitments in process prior to December 23, 1989, but not made before that date, certifications shall be required at award or commitment, covering activities occurring between December 23, 1989, and the date of award or commitment. However, for awards and commitments in process prior to the December 23, 1989 effective date of these provisions, but not made before December 23, 1989, disclosure forms shall not be required at time of award or commitment but shall be filed within 30 days.

(h) No reporting is required for an activity paid for with appropriated funds if that activity is allowable under either Subpart B or C.

Subpart B—Activities by Own Employees

§ ____.200 Agency and legislative liaison.

(a) The prohibition on the use of appropriated funds, in § ____.100 (a), does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.

(b) For purposes of paragraph (a) of this section, providing any information specifically requested by an agency or Congress is allowable at any time.

(c) For purposes of paragraph (a) of this section, the following agency and legislative liaison activities are allowable at any time only where they are not related to a specific solicitation for any covered Federal action:

(1) Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities; and,

(2) Technical discussions and other activities regarding the application or adaptation of the person's products or services for an agency's use.

(d) For purposes of paragraph (a) of this section, the following agencies and legislative liaison activities are allowable only where they are prior to formal solicitation of any covered Federal action:

(1) Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

(2) Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,

(3) Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95–507 and other subsequent amendments.

(e) Only those activities expressly authorized by this section are allowable under this section.

§ ____.205 Professional and technical services.

(a) The prohibition on the use of appropriated funds, in § ____.100 (a), does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or an extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) For purposes of paragraph (a) of this section, "professional and technical services" shall be limited to advice and analysis directly applying any professional or technical discipline. For example, drafting of a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(c) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(d) Only those services expressly authorized by this section are allowable under this section.

§ ______.210 Reporting.

No reporting is required with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

Subpart C—Activities by Other Than Own Employees

§ ______.300 Professional and technical services.

(a) The prohibition on the use of appropriated funds, in § ______.100 (a), does not apply in the case of any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action, if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) The reporting requirements in § ______.110 (a) and (b) regarding filing a disclosure form by each person, if required, shall not apply with respect to professional or technical services rendered directly in the preparation, submission, or negotiation of any commitment providing for the United States to insure or guarantee a loan.

(c) For purposes of paragraph (a) of this section, "professional and technical services" shall be limited to advice and analysis directly applying any professional or technical discipline. For example, drafting or a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(d) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(e) Persons other than officers or employees of a person requesting or receiving a covered Federal action include consultants and trade associations.

(f) Only those services expressly authorized by this section are allowable under this section.

Subpart D—Penalties and Enforcement

§ ______.400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such expenditure.

(b) Any person who fails to file or amend the disclosure form (see Appendix B) to be filed or amended if required herein, shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

(c) A filing or amended filing on or after the date on which an administrative action for the imposition of a civil penalty is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. An administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

(d) In determining whether to impose a civil penalty, and the amount of any such penalty, by reason of a violation by any person, the agency shall consider the nature, circumstances, extent, and gravity of the violation, the effect on the ability of such person to continue in business, any prior violations by such person, the degree of culpability of such person, the ability of the person to pay the penalty, and such other matters as may be appropriate.

(e) First offenders under paragraphs (a) or (b) of this section shall be subject to a civil penalty of $10,000, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between $10,000 and $100,000, as determined by the agency head or his or her designee.

(f) An imposition of a civil penalty under this section does not prevent the United States from seeking any other remedy that may apply to the same conduct that is the basis for the imposition of such civil penalty.

§ ______.405 Penalty procedures.

Agencies shall impose and collect civil penalties pursuant to the provisions of the Program Fraud and Civil Remedies Act, 31 U.S.C. sections 3803 (except subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812, insofar as these provisions are not inconsistent with the requirements herein.

§ ______.410 Enforcement.

The head of each agency shall take such actions as are necessary to ensure that the provisions herein are vigorously implemented and enforced in that agency.

Subpart E—Exemptions

§ ______.500 Secretary of Defense.

(a) The Secretary of Defense may exempt, on a case-by-case basis, a covered Federal action from the prohibition whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of each such written exemption to Congress immediately after making such a determination.

(b) The Department of Defense may issue supplemental regulations to implement paragraph (a) of this section.

Subpart F—Agency Reports

§ ______.600 Semi-annual compilation.

(a) The head of each agency shall collect and compile the disclosure reports (see Appendix B) and, on May 31 and November 30 of each year, submit to the Secretary of the Senate and the Clerk of the House of Representatives a report containing a compilation of the information contained in the disclosure reports received during the six-month period ending on March 31 or September 30, respectively, of that year.

(b) The report, including the compilation, shall be available for public inspection 30 days after receipt of the report by the Secretary and the Clerk.

(c) Information that involves intelligence matters shall be reported only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(d) Information that is classified under Executive Order 12356 or any successor order shall be reported only to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives or the Committees on Armed Services of the Senate and the House of Representatives (whichever such committees have jurisdiction of matters involving such information) and to the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(e) The first semi-annual compilation shall be submitted on May 31, 1990, and shall contain a compilation of the disclosure reports received from December 23, 1989 to March 31, 1990.

(f) Major agencies, designated by the Office of Management and Budget (OMB), are required to provide machine-readable compilations to the Secretary of the Senate and the Clerk of the House of Representatives no later than with the compilations due on May 31, 1991. OMB shall provide detailed specifications in a memorandum to these agencies.

(g) Non-major agencies are requested to provide machine-readable compilations to the Secretary of the Senate and the Clerk of the House of Representatives.

(h) Agencies shall keep the originals of all disclosure reports in the official files of the agency.

§ ______. 605 Inspector General report.

(a) The Inspector General, or other official as specified in paragraph (b) of this section, of each agency shall prepare and submit to Congress each year, commencing with submission of the President's Budget in 1991, an evaluation of the compliance of that agency with, and the effectiveness of, the requirements herein. The evaluation may include any recommended changes that may be necessary to strengthen or improve the requirements.

(b) In the case of an agency that does not have an Inspector General, the agency official comparable to an Inspector General shall prepare and submit the annual report, or, if there is no such comparable official, the head of the agency shall prepare and submit the annual report.

(c) The annual report shall be submitted at the same time the agency submits its annual budget justifications to Congress.

(d) The annual report shall include the following: All alleged violations relating to the agency's covered Federal actions during the year covered by the report, the actions taken by the head of the agency in the year covered by the report with respect to those alleged violations and alleged violations in previous years, and the amounts of civil penalties imposed by the agency in the year covered by the report.

Appendix A to Part ______—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Appendix B to Part ____—Disclosure Form to Report Lobbying

BILLING CODES 3410-01-M; 6450-01-M; 6690-01-M; 8025-01-M; 7510-01-M; 3510-FE-M; 8120-01-M; 4710-24-M; 6116-01-M; 6051-01-M; 8230-01-M; 3210-01-M; 4210-32-M; 4410-18-M; 4510-23-M; 4810-25-M; 3801-01-M; 4000-01-M; 3820-01-M; 6580-50-M; 6820-61-M; 4310-RF-M; 6718-01-M; 4150-04-M; 7555-01-M; 7537-01-M; 7536-01-M; 6050-28-M; 4910-62-M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:

☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:

☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:

☐ a. initial filing
b. material change

For Material Change Only:
year ________ quarter ____
date of last report ________

4. Name and Address of Reporting Entity:

☐ Prime ☐ Subawardee
Tier ____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: ________

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:

$ ____________ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:

☐ a. cash
☐ b. in-kind; specify: nature ____________
value ____________

13. Type of Payment *(check all that apply)*:

☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: ____________

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: ____________
Print Name: ____________
Title: ____________
Telephone No.: ____________ **Date:** ____________

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: ______________________________ **Page** _______ **of** _______

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Standard Form - LLL-A

BILLING CODES 3410-01-C; 6450-01-C; 6690-01-C; 8025-01-C; 7510-01-C; 3510-FE-C; 8120-01-C; 4710-24-C; 6116-01-C; 6051-01-C; 8230-01-C; 3210-01-C; 4210-32-C; 4410-18-C; 4510-23-C; 4810-25-C; 3801-01-C; 4000-01-C; 3820-01-C; 6560-50-C; 6820-61-C; 4310-RF-C; 6718-01-C; 4150-04-C; 7555-01-C; 7537-01-C; 7536-01-C; 6050-28-C; 4910-62-C

Adoption of the Common Rule

The agency specific preambles adopting the text of the common rule appear below.

DEPARTMENT OF AGRICULTURE

7 CFR Part 3018

FOR FURTHER INFORMATION CONTACT: Joseph J. Daragan, 202-447-5729 or Tresa Matthews, 202-382-8978.

ADDITIONAL SUPPLEMENTARY INFORMATION: Title IV, section 401 of the Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, enacted December 15, 1989, amended the Housing Act of 1949, 42 U.S.C. 1471, to add a new section 536 regarding Accountability in Awards of Assistance; Remedies and Penalties under the Rural Housing Program. Among other things, section 536 requires any person engaged for monetary consideration or for any consideration for the purpose of attempting to influence any award or allocation of assistance to register with the Secretary of Agriculture and to disclose such purposes and consideration received for the duration of the activity.

When implemented as a final rule, the requirements of section 401 will be set forth in 7 CFR part 1944. It is the intention of the Department to reconcile, at that time, the sometimes parallel requirements of today's rule and the upcoming revisions to 7 CFR part 1944.

List of Subjects in 7 CFR Part 3018

Contract programs, Grant programs, Loan programs, Lobbying.

Title 7 of the Code of Federal Regulations is amended as set forth below.

Jack C. Parnell,

Deputy Secretary of Agriculture.

Part 3018 is added to read as set forth at the end of the common preamble.

PART 3018—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 5 U.S.C. 301.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF ENERGY

10 CFR Parts 600 and 601

FOR FURTHER INFORMATION CONTACT: Howard K. Mitchell, (202) 586-8190.

ADDITIONAL SUPPLEMENTARY INFORMATION: Because the New Restrictions on Lobbying, contained in section 319 of Public Law 101-121, also apply to other nonprocurement transactions not covered in 10 CFR part 600 (grants and cooperative agreements), the Department of Energy (DOE) is implementing the common rule in a new part, 10 CFR part 601. Since nearly all of DOE nonprocurement applicants and awardees are subject to 10 CFR part 600, a new § 600.34 is also being included to reference the requirements of this common rule.

List of Subjects

10 CFR Part 600

Financial assistance rules.

10 CFR Part 601

Contract programs, Grant programs, Loan programs, Lobbying.

Title 10 of the Code of Federal Regulations is amended as set forth below.

Berton J. Roth,

Director, Directorate of Procurement and Assistance Management.

PART 600—FINANCIAL ASSISTANCE RULES

1. The authority citation of part 600 continues to read as follows:

Authority: Secs. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 97-258, 96 Stat. 1003-1005 (31 U.S.C. 6301-6308).

2. A new § 600.34 is added as set forth below.

§ 600.34 New restrictions on lobbying.

Each DOE solicitation involving a new Federal commitment in excess of $100,000 shall provide a full text copy of the certification requirement set forth in appendix A of 10 CFR part 601 and Disclosure of Lobbying Activities Standard Form—LLL. DOE Contracting Officers shall assure that any award in excess of the $100,000 threshold shall contain, as a term and condition of award, the requirement to comply with the certification and disclosure provision of 10 CFR 601.110. Upon receipt, the original copy of each disclosure form shall be kept with the official award file. One copy of each form shall be forwarded to the Director or designee.

3. Part 601 is added to read as set forth at the end of the common preamble.

PART 601—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Secs. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 96-258, 96 Stat. 1003-1005 (31 U.S.C. 6301-6308).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR Part 411

FOR FURTHER INFORMATION CONTACT: Robert J. McKinsey 566–8823.

List of Subjects in 12 CFR Part 411

Contract programs, Grant programs, Loan programs, Lobbying.

Title 12-Chapter IV of the Code of Federal Regulations is amended as set forth below.

Hart Fessenden,

General Counsel.

Part 411 is added to read as set forth at the end of the common preamble.

PART 411—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); 5 U.S.C. 552a.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 146

FOR FURTHER INFORMATION CONTACT: Patricia R. Forbes, Chief Counsel for Legislation, U.S. Small Business Administration, (202) 653–6573.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Small Business Administration (SBA) has determined that its Surety Bond Guarantee, Lease Guarantee and certain aspects of its Small Business Investment Company programs are not subject to the provisions of section 319 as implemented by this interim final rule.

Section 319 prohibits the recipients of a "Federal contract" from using appropriated funds to pay for influencing activities. This interim final rule defines Federal contract as "an *acquisition* contract awarded by an agency, including those subject to the Federal Acquisition Regulation (FAR), and any other acquisition contract for real or personal property or services not subject to the FAR." (emphasis added) The Surety Bond Guarantee (SBG) contract between SBA and a Surety guarantees the Surety against a stated percentage of any loss, if the surety issues a bond for the benefit of a small concern bidding for or performing a contract with a governmental or non-governmental customer (15 U.S.C. 694b). Accordingly, SBA is not acquiring either property or services. Similarly, under its Lease Guarantee program, SBA is assuring a landlord that a small concern will fulfill the payment conditions of its lease (15 U.S.C. 692). SBA is not acquiring either property or services. Therefore, neither SBA's SBG program or Lease Guarantee program are subject to the requirements of this rule.

For the following reasons SBA has determined that section 319 applies to SBA's guarantee of regular (Section 301(c)) and specialized (Section 301(d)) Small Business Investment Company (SBIC) debentures, but does not apply to SBA's acquisition of preferred stock from specialized SBIC's.

Under section 303 of the Small Business Investment Act, 15 U.S.C. 683, SBA is authorized to purchase or to guarantee the debentures of SBIC's licensed under the Act. SBA guarantees the sale of an SBIC's debentures to investors by means of the issuance of guaranteed participation certificates backed by a pool of guaranteed debentures. The guaranteed debentures of specialized SBIC's may be included in such pools. These transactions fall within section 319, as loan guarantees, and are therefore subject to these new restrictions on influencing activities.

Section 303(c)(1) of the Small Business Investment Act (15 U.S.C. 683(c)(1)) authorizes SBA to purchase shares of non-voting preferred stock from specialized SBIC's. These purchases are neither loans nor loan guarantees, nor acquisition contracts for real or personal property or services.

Finally, SBA has determined that Service Corps of Retired Executives (SCORE) and Active Corps Executives (ACE) are not "officer(s) or employee(s) of an agency" to which the prohibition on influencing by use of appropriated funds applies. This interim final rule defines "officers and employees of an agency" to include Federal employees appointed under Title 5 of the U.S. Code, members of the uniformed services, special Government employees as defined in 18 U.S.C. 202 and Federal advisory committee members under Title 5 U.S. Code appendix 2. SCORE and ACE volunteers do not fall within any of these categories, including "special government employees." 18 U.S.C. 202 only applies to specific sections within Title 18 of the Code concerning bribery, graft and conflicts of interest, and only concerns employees appointed for a period not to exceed 130 days in any consecutive 365 day period. In addition, section 8(b)(1)(C)(i) of the Small Business Act (15 U.S.C. 637(b)(1)(C)(i)) states that SCORE and ACE volunteers are deemed to be Federal employees only for purposes of worker's compensation and the Federal Tort Claims Act.

List of Subjects in 13 CFR Part 146

Contract programs, Grant programs, Loan programs, Lobbying.

Title 13 of the Code of Federal Regulations is amended as set forth below.

Susan S. Engeleiter,

Administrator.

Part 146 is added to read as set forth at the end of the common preamble.

PART 146—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Pub. L. 101-121 (31 U.S.C. 1352); 15 U.S.C. 634(b)(6).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1271

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Chief, Regulations Development Branch, Procurement Policy Division (Code HP), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: (202) 453-8923.

ADDITIONAL SUPPLEMENTARY INFORMATION: Internal NASA implementation procedures, required by § 1271.410, shall be established in accordance with NASA grant regulations at 14 CFR part 1260 (the NASA Grant and Cooperative Agreement Regulation).

Lists of Subjects in 14 CFR Part 1271

Contract programs, Cooperative agreements, Grant programs, Grants, Loan programs, Lobbying.

Title 14 of the Code of Federal Regulations is amended as set forth below.

S.J. Evans,

Assistant Administrator for Procurement.

Part 1271 is added to read as set forth at the end of the common preamble.

PART 1271—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Public Law 97-258 (31 U.S.C. 6301 et seq.)

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF COMMERCE

15 CFR Part 28

FOR FURTHER INFORMATION CONTACT: Barbara L. Spithas, Telephone: (202) 377-5817.

List of Subjects in 15 CFR Part 28

Contract programs, Grant programs, Loan programs, Lobbying.

Title 15 of the Code of Federal Regulations is amended as set forth below.

Sonya G. Stewart,

Director for Finance and Federal Assistance.

Part 28 is added to read as set forth at the end of the common preamble.

PART 28—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 5 U.S.C. 301.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1315

FOR FURTHER INFORMATION CONTACT: Charles L. Young, 615 632-7305.

List of Subjects in 18 CFR Part 1315

Contract programs, Grant programs, Loan programs, Lobbying.

Title 18 of the Code of Federal Regulations is amended as set forth below.

W.F. Willis,

Executive Vice President and Chief Operating Officer.

Part 1315 is added to read as set forth at the end of the common preamble.

PART 1315—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 16 U.S.C. 831-831dd.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF STATE

22 CFR Part 138

FOR FURTHER INFORMATION CONTACT: James Tyckoski, Office of the Procurement Executive (703) 875-7046.

List of Subjects in 22 CFR Part 138

Contract programs, Grant programs, Loan programs, Lobbying.

Title 22 of the Codé of Federal Regulations is amended as set forth below.

John J. Conway,

Procurement Executive.

Part 138 is added to read as set forth at the end of the common preamble.

PART 138—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 22 U.S.C. 2658.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 227

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, (703) 875-1534.

List of Subjects in 22 CFR Part 227

Contract programs, Grant programs, Loan programs, Lobbying.

Title 22 of the Code of Federal Regulations is amended as set forth below.

John F. Owens,

Deputy Assistant to the Administrator for Management.

Part 227 is added to read as set forth at the end of the common preamble.

PART 227—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 445 (22 U.S.C. 2381).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

PEACE CORPS

22 CFR Part 311

FOR FURTHER INFORMATION CONTACT: Kirby Mullen, (202) 254-3114.

ADDITIONAL SUPPLEMENTARY INFORMATION: Peace Corps has determined that Peace Corps Volunteers are not "Officer(s) or employee(s) of an agency" to which the prohibition on influencing by use of appropriated funds applies. This interim final rule defines "officers and employees of an agency" to include Federal employees appointed under Title 5 of the U.S. Code, members of the uniformed services, special Government employees as defined in 18 U.S.C. 202 and Federal advisory committee members under Title 5 U.S. Code Appendix 2. Peace Corps Volunteers do not fall within any of these categories, including "special government employees." 18 U.S.C. 202 only applies to specific sections within Title 18 of the Code concerning bribery, graft and conflicts of interest, and only concerns employees appointed for a period not to exceed 130 days in any consecutive 365 day period. In addition, Peace Corps Volunteers are only deemed to be Federal employees for purposes of worker's compensation, 5 U.S.C. 8142, the Federal Tort Claims Act and other purposes as detailed in 22 U.S.C. 2504.

List of Subjects in 22 CFR Part 311

Contract programs, Cooperative agreements, Grant programs, Loan programs, Lobbying.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Paul D. Coverdell,

Director.

Part 311 is added to read as set forth at the end of the common preamble.

PART 311—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 22 U.S.C. 2503.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

UNITED STATES INFORMATION AGENCY

22 CFR Part 519

FOR FURTHER INFORMATION CONTACT: Darwin Roberts, United States Information Agency, Office of Contracts, Policy and Procedures Staff, Room 1611, 330 C Street, SW., Washington, DC 20547, Telephone: (202) 485-6401

List of Subjects in 22 CFR Part 519

Contract programs, Grant programs, Loan programs, Lobbying.

Title 22 of the Code of Federal Regulations is amended as set forth below.

Henry E. Hockeimer,

Associate Director for Management.

Part 519 is added to read as set forth at the end of the common preamble.

PART 519—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 41 U.S.C. 701 et seq.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

OVERSEAS PRIVATE INVESTMENT CORPORATION

22 CFR Part 712

FOR FURTHER INFORMATION CONTACT: James R. Offutt, Senior Counsel for Legislative and Administrative Affairs, 202-457-7038.

List of Subjects in 22 CFR Part 712

Contract programs, Grant programs, Guarantees, Insurance, Loan guarantees, Loan insurance, Loans, Lobbying.

Title 22 of the Code of Federal Regulations is amended as set forth below.

James R. Offutt,

Senior Counsel for Legislative and Administrative Affairs.

Part 712 is added to read as set forth at the end of the common preamble.

PART 712—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 87

FOR FURTHER INFORMATION CONTACT: Roosevelt Jones, Acting Director, Office of Ethics, Room 10110, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 755-4250 (this is not a toll-free number).

ADDITIONAL SUPPLEMENTARY INFORMATION: Section 112 of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989, amended the Department of Housing and Urban Development Act, 42 U.S.C. 3531, to add a new section 13 regarding the registration of consultants. Among other things, section 112 requires any person making an expenditure to influence a departmental decision with respect to the award of any financial assistance or management action that changes the terms and conditions or status of the financial assistance to keep records on all such expenditures. This requirement does not apply to expenditures incurred in complying with conditions, requirements, or procedures imposed by the Secretary of HUD with respect to the financial assistance. Section 112 also requires each person receiving payment or any consideration to influence a departmental decision to register with the Secretary of HUD.

When implemented as a final rule, the requirements of section 112 will be set forth in part 86. It is the intention of the Department to reconcile, at that time, the sometimes parallel requirements of today's rule and the upcoming part 86 HUD rule.

List of Subjects in 24 CFR Part 87

Contract programs, Grant programs, Loan programs, Lobbying.

Title 24 of the Code of Federal Regulations is amended as set forth below.

Jack Kemp,

Secretary.

Part 87 is added to read as set forth at the end of the common preamble.

PART 87—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Appendix A to Part 87—Certification Regarding Lobbying

Appendix B to Part 87—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Cross reference: See also OMB notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF JUSTICE

28 CFR Part 69

[Atty. Gen. Order No. 1397-90]

FOR FURTHER INFORMATION CONTACT: Cynthia J. Schwimer (202) 724–3186.

List of Subjects in 28 CFR Part 69

Administrative practice and procedures, Contract programs, Grant programs, Loan programs, Lobbying, Reporting and recordkeeping requirements.

Title 28 of the Code of Federal Regulations is amended as set forth below.

Dick Thornburgh,
Attorney General.

Part 69 is added to read as set forth at the end of the common preamble.

PART 69—NEW RESTRICTIONS ON LOBBYING

Appendix A to Part 69—Certification Regarding Lobbying

Appendix B to Part 69—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3711, *et seq* (as amended), Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, *et seq* (as amended), Victims of Crime Act of 1984, 42 U.S.C. 10601, *et seq* (as amended); 18 U.S.C. 4042; and 18 U.S.C. 4351-4353.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF LABOR

29 CFR Part 93

FOR FURTHER INFORMATION CONTACT: Adam W. Hare, Room S–1522, U.S. Department of Labor, Washington, DC 20210. Telephone: (202) 523–9174.

List of Subjects in 29 CFR Part 93

Contract programs, Grant programs, Loan programs, Lobbying.

Title 29 of the Code of Federal Regulations is amended as set forth below.

Elizabeth H. Dole,
Secretary of Labor.

Part 93 is added to read as set forth at the end of the common preamble.

PART 93—NEW RESTRICTIONS ON LOBBYING

Appendix A to Part 93—Certification Regarding Lobbying

Appendix B to Part 93—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); 5 U.S.C. 301, Reorganization Plan Number 6 of 1950.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF THE TREASURY

31 CFR Part 21

FOR FURTHER INFORMATION CONTACT: Cathy Thomas, (202) 343–0249.

List of Subjects in 31 CFR Part 21

Contract programs, Grant programs, Loan programs, Lobbying.

Title 31 of the Code of Federal Regulations is amended as set forth below.

Linda M. Combs,
Assistant Secretary (Management).

Part 21 is added to read as set forth at the end of the common preamble.

PART 21—NEW RESTRICTIONS ON LOBBYING

Appendix A to Part 21—Certification Regarding Lobbying

Appendix B to Part 21—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); 31 U.S.C. 321.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 282

FOR FURTHER INFORMATION CONTACT: Mr. F. Sobieszczyk, Office of the Deputy Director, Defense Research and Engineering (Research and Advanced Technology) (ODDDR&E/R&AT), Room 3E114, the Pentagon, telephone 202–694–0205.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Defense (DoD) is adopting the following interim final rule establishing new restrictions on lobbying and will proceed with internal agency coordination, the results of which will be reflected in the final common rule. It is DoD's objective to establish uniform practices within the Office of the Secretary of Defense, the Military Departments and the Defense Agencies that would be consistent with those being established by other Executive Departments and Agencies in adopting this government-wide common rule.

List of Subjects in 32 CFR Part 282

Administrative practice and procedures, Contract programs, Grant programs, Loan programs, Lobbying, Reporting and recordkeeping requirements.

Title 32 of the Code of Federal Regulations is amended as set forth below.

Patricia H. Means,
OSD Federal Register Liaison Officer, Department of Defense.

Part 282 is added to read as set forth at the end of the common preamble.

PART 282—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 102–121 (31 U.S.C. 1352); 5 U.S.C. Section 301; 10 U.S.C. 113.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF EDUCATION

34 CFR Part 82

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Greg Vick, (202) 732–7400.

List of Subjects in 34 CFR Part 82

Grant programs, Loan programs, Lobbying.

Title 34 of the Code of Federal Regulations is amended as set forth below.

Lauro F. Cavazos,
Secretary of Education.

Part 82 is added to read as set forth at the end of the common preamble.

PART 82—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); 20 U.S.C. 3474.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 45

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn H. Covington, Director, Paperwork Management and Regulations Service (70Y73), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3616.

List of Subjects in 38 CFR Part 45

Administrative practices and procedures, Contract programs, Grant programs, Loan programs, Lobbying.

Title 38 of the Code of Federal Regulations is amended as set forth below.

Edward G. Derwinski,
Secretary of Veterans Affairs.

Part 45 is added to read as set forth at the end of the common preamble.

PART 45—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 38 U.S.C. 210(c).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 34

FOR FURTHER INFORMATION CONTACT: Richard Mitchell, Grants Administration Division (PM-216F), (202) 245-4078 (This is not a toll free number.)

List of Subjects in 40 CFR Part 34

Contract programs, Grant programs, Loan programs, Lobbying, Reporting and recordkeeping requirements.

Title 40 of the Code of Federal Regulations is amended as set forth below.

Dated: February 9, 1989.

William K. Reilly,

Administrator.

Part 34 is added to read as set forth at the end of the common preamble.

PART 34—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319; Public Law 101-121 (31 U.S.C. 1352); 33 U.S.C. 1251 et seq.; 42 U.S.C. 7401 et seq.; 42 U.S.C. 6901 et seq.; 42 U.S.C. 300f et seq.; 7 U.S.C. 136 et seq.; 15 U.S.C. 2601 et seq.; 42 U.S.C. 9601 et seq.; 20 U.S.C. 4011 et seq.; 33 U.S.C. 1401 et seq.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-69

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad at 202-566-1224 (FTS 566-1224).

List of Subjects in 41 CFR Part 105-69

Grant programs, Lobbying.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Richard G. Austin,

Acting Administrator.

Part 105-69 is added to read as set forth at the end of the common preamble.

PART 105-69—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 40 U.S.C. 486(c).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF THE INTERIOR

43 CFR Part 18

RIN 1090-AA26

FOR FURTHER INFORMATION CONTACT: Ceceil Coleman at (202) 343-6431.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of the Interior will be using DI 1963 (Jan 90) "Certification Regarding Lobbying Form," for Federal contracts, grants, and cooperative agreements exceeding $100,000 as required by § 18.110. The "Statement for Loan Guarantees and Loan Insurance Form," DI 1962 (Jan 90) will be used for loan guarantees and loan insurance exceeding $150,000 as required by § 18.110. This certification and statement are identical to that included in the Office of Management and Budget (OMB) interim final guidance, dated December 18, 1989.

Under Section 18.405, penalty procedures to be used will be based on the Department's implementation of the Program Fraud and Civil Remedies Act of 1985 which is found at 43 CFR part 35.

List of Subject in 43 CFR Part 18

Contract programs, Cooperative agreements, Grant programs, Loan programs, Lobbying.

Title 43 of the Code of Federal Regulations is amended as set forth below.

Dated: February 15, 1990.

Lou Gallegos,

Assistant Secretary, Policy, Budget and Administration.

1. Part 18 is added to read as set forth at the end of the common preamble.

PART 18—NEW RESTRICTIONS ON LOBBYING

Subpart F—Agency Reports

Appendix A to Part 18—Certification Regarding Lobbying

Appendix B to Part 18—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law. 101-121 (31 U.S.C. 1352); 5 U.S.C. 301.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

2. Part 18 is further amended as follows:

a. Section 18.405 is amended by adding paragraph (a) to read as follows:

§ 18.405 Penalty procedures.

* * * * *

(a) The Department of the Interior implementation of the Program Fraud and Civil Remedies Act of 1985 is found at 43 CFR part 35.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 18

FOR FURTHER INFORMATION CONTACT: Arthur E. Curry, Chief, Policy Division, Office of the Comptroller, (202) 646-3718.

List of Subjects in 44 CFR Part 18

Contract programs, Grant programs, Loan programs, Lobbying.

Title 44 of the Code of Federal Regulations is amended as set forth below.

Arthur E. Curry,

Chief, Policy Division, Office of the Comptroller.

Part 18 is added to read as set forth at the end of the common preamble.

PART 18—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Subpart B—Activities by Own Employees

Subpart C—Activities by Other Than Own Employees

Subpart D—Penalties and Enforcement

Subpart E—Exemptions

Subpart F—Agency Reports

Appendix A to Part 18—Certification Regarding Lobbying

Appendix B to Part 18—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 5 U.S.C. 551, 552, 553; 5 U.S.C. 601, *et seq.*; E.O. 12291, Reorganization Plan No. 3 of 1978, E.O. 12127, E.O. 12148, E.O. 12657, E.O. 12699.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 93

FOR FURTHER INFORMATION CONTACT: Beverly Cordova, 202-245-0377.

List of Subjects in 45 CFR Part 93

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Dated: February 13, 1990.

Louis W. Sullivan,

Secretary, Department of Health and Human Services.

Part 93 is added to read as set forth at the end of the common preamble.

PART 93—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Subpart B—Activities by Own Employees

Subpart C—Activities by Other Than Own Employees

Subpart D—Penalties and Enforcement

Subpart E—Exemptions

Subpart F—Agency Reports

Appendix A to Part 93—Certification Regarding Lobbying

Appendix B to Part 93—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 5 U.S.C. 301.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

NATIONAL SCIENCE FOUNDATION

45 CFR Part 604

FOR FURTHER INFORMATION CONTACT: Jodi Condes, 357-7880.

List of Subjects in 45 CFR Part 604

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

William S. Kirby,

Procurement Executive.

Part 604 is added to read as set forth at the end of the common preamble.

PART 604—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Subpart B—Activities by Own Employees

Subpart C—Activities by Other Than Own Employees

Subpart D—Penalties and Enforcement

Subpart E—Exemptions

Subpart F—Agency Reports

Appendix A to Part 604—Certification Regarding Lobbying

Appendix B to Part 604—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 42 U.S.C. 1870.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

NATIONAL FOUNDATION ON THE ARTS OF THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1158

FOR FURTHER INFORMATION CONTACT: Larry Baden, Grants Officer, 202-682-5403.

List of Subjects in 45 CFR Part 1158

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Cynthia Rand,

Deputy Chairman for Management.

Part 1158 is added to read as set forth at the end of the common preamble.

PART 1158—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 20 U.S.C. 959.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

National Endowment for the Humanities

45 CFR Part 1168

FOR FURTHER INFORMATION CONTACT: David J. Wallace (202) 786-0494.

List of Subjects in 45 CFR Part 1168

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Lynne V. Cheney,

Chairman, National Endowment for the Humanities.

Part 1168 is added to read as set forth at the end of the common preamble.

PART 1168—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 20 U.S.C. 959 (a) (1).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

ACTION

45 CFR Part 1230

FOR FURTHER INFORMATION CONTACT: Margaret M. McHale, Telephone (202) 634-9150.

List of Subjects in 45 CFR Part 1230

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Jane Kenny,

Director, ACTION.

Part 1230 is added to read as set forth at the end of the common preamble.

PART 1230—NEW RESTRICTIONS ON LOBBYING

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Public Law 93-113; 42 U.S.C. 4951, et seq; 42 U.S.C. 5060.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 20

RIN 2105-AB57

FOR FURTHER INFORMATION CONTACT: Robert G. Taylor, Department of Transportation, Office of Acquisition and Grant Management—M-62, 400 Seventh Street, SW., Room 9401, Washington, DC 20590, (202) 366-4286.

List of Subjects in 49 CFR Part 20

Contract programs, Grant programs, Loan programs, Lobbying.

Title 49 of the Code of Federal Regulations is amended as set forth below.

Issued this 16th day of February 1990 at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

Part 20 is added to read as set forth at the end of the common preamble.

PART 20—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Subpart B—Activities by Own Employees

Subpart C—Activities by Other Than Own Employees

Subpart D—Penalties and Enforcement

Subpart E—Exemptions

Subpart F—Agency Reports

Appendix A to Part 20—Certification Regarding Lobbying

Appendix B to Part 20—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101–121 (31 U.S.C. 1352); 49 U.S.C. 322(a).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

[FR Doc. 90–4117 Filed 2–23–90; 8:45 am]

BILLING CODES 3410–01–M; 6450–01–M; 6690–01–M; 8025–01–M; 7510–01–M; 3510–FE–M; 8120–01–M; 4710–24–M; 6116–01–M; 6051–01–M; 8230–01–M; 3210–01–M; 4210–32–M; 4410–18–M; 4510–23–M; 4810–25–M; 3801–01–M; 4000–01–M; 3820–01–M; 6560–50–M; 6820–61–M; 4310–RF–M; 6718–01–M; 4150–04–M; 7555–01–M; 7537–01–M; 7536–01–M; 6050–28–M; 4910–62–M