not to financial statements for interim periods after the end of the most recent fiscal year. The additional disclosures required under Item 18 of Form 20–F are warranted where a foreign issuer is offering common equity and non-investment grade securities to the public. Further, if financial information for the most recent fiscal period were not required to be reconciled, investors may not be able to base investment decisions upon the most recently available financial information presented on a comparable basis to the annual reconciled financial information.

II. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605], at the time the Commission issued its release proposing the amendments to Forms F–10 and 40–F being adopted hereby, the Chairman of the Commission certified that such amendments will not have a significant impact on a substantial number of small entities. That certification, including the reasons therefor, was attached as an appendix to such release and was published in the **Federal Register**.

III. Cost-Benefit Analysis

No specific data were provided in response to the Commission's request regarding the costs and benefits of the amendments to Forms F–10 and 40–F. However, three commenters indicated that Canadian issuers incur additional costs or additional burdens in complying with the reconciliation requirement under these forms. It appears that the amendments will provide benefits, including continued investor access to financial information relating to Canadian companies which is comparable to financial information relating to U.S. companies. The Commission believes that any costs relating to the reconciliation requirements under Forms F–10 and 40–F are outweighed by these benefits.

IV. Effective Date

The effective date of these amendments shall be July 1, 1993. Pursuant to 5 U.S.C. 553(d), the Commission finds that good cause exists for making the revisions effective less than 30 days after publication in the **Federal Register**. The current requirement that financial statements presented in filings on Forms F–10 and 40–F include a reconciliation to U.S. GAAP will terminate on July 1, 1993. If the revisions adopted today continuing the reconciliation requirement were made effective later than July 1, 1993, there would be a brief period of time in which this requirement would not apply. The resulting discontinuity in the applicable regulatory requirements would be likely to cause confusion and would raise concerns about investor protection.

Because issuers using Forms F–10 and 40–F are currently required to reconcile to U.S. GAAP, the Commission does not believe that extending the reconciliation requirement, effective July 1, 1993, will cause hardship to affected issuers or require any period of adjustment. Further, issuers and other interested parties have been on notice since the Commission's issuance of the proposing release on April 28, 1993, of the possible extension of the reconciliation requirement beyond July 1.

V. Statutory Bases

Forms F–10 and 40–F are being amended by the Commission pursuant to sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933, and sections 3(b), 4A, 12, 13, 14, 15, 16 and 23 of the Securities Exchange Act of 1934.

List of Subjects in 17 CFR Parts 239 and 249

Reporting and recordkeeping requirements; Securities.

Text of Proposed Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. The authority citation for Part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o(d), 78w(a), 78ll(d), 79e, 79f, 79g, 79j 79l, 79m, 79n, 79q, 79t, 80a-8, 80a-29, 80a-30 and 80a-37 unless otherwise noted.

* * * * *

2. By amending Form F–10 (§ 239.40) by revising Item 2 under Part I to read as follows:

Note: The text of Form F–10 does not and the amendments will not appear in the Code of Federal Regulations.

Form F–10

* * * * *

PART I—INFORMATION TO BE DELIVERED TO OFFEREES OR PURCHASERS

* * * * *

Item 2. *Additional Information.*

The following information also shall be provided to offerees as part of the prospectus.

Financial Statements.

Any financial statements included in the home jurisdiction document must be reconciled to U.S. GAAP as required by Item 18 of Form 20–F under the Exchange Act.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

3. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, et seq., unless otherwise noted.

* * * * *

4. By amending Form 40–F (§ 249.240f) by revising paragraph 2 under General Instruction C. to read as follows:

Note: The text of Form 40–F does not and the amendments will not appear in the Code of Federal Regulations.

Form 40–F

* * * * *

General Instructions

C. Compliance With Auditor Independence and Reconciliation Requirements

* * * * *

(2) Any financial statements, other than interim financial statements, included in this Form by registrants registering securities pursuant to section 12 of the Exchange Act or reporting pursuant to the provisions of section 13(a) or 15(d) of the Exchange Act must be reconciled to U.S. GAAP as required by Item 17 of Form 20–F under the Exchange Act, unless this Form is filed with respect to securities that would be eligible for registration under the Securities Act on Form F–9, in which case no such reconciliation is required, or unless this Form is filed with respect to a reporting obligation under Section 15(d) that arose solely as a result of a filing made on Form F–7, F–8, F–9 or F–80, in which case no such reconciliation is required.

* * * * *

Dated: June 28, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–15687 Filed 6–30–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-93-1590; FR-3103-F-01]

RIN No. 2502-AF51

Waiver of Title—Mortgages or Property Formerly Held by Secretary

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule amends HUD's regulation relating to the waiver of title requirements by the Secretary in cases where a single family mortgage or property was formerly held by the Secretary. The regulation is amended so that HUD is not required to accept title to properties that are encumbered by prior judgment liens emanating from its purchasers.

EFFECTIVE DATE: August 2, 1993.

FOR FURTHER INFORMATION CONTACT: John Coonts, Director, Single Family Development Division, room 9272, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2700. A telecommunications device for deaf persons (TDD) is available at (202) 708-4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Paragraph (b) of 24 CFR 203.390 deals with mortgages which finance the sales of Secretary-held properties. Paragraph (b)(1) currently provides that if a property held by the Secretary is sold and the Secretary insures a mortgage financing the sale, and the mortgage is later conveyed to the Secretary, he or she will not object to title by reason of any lien or other adverse interest that was senior to the mortgage on the date the mortgage was filed for record. Paragraph (b)(2) provides that the Secretary will accept an assignment of a mortgage executed in connection with the sale of property by HUD, where the mortgagee is unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or before the time the mortgage was filed for record. In such instances, the Secretary will not object to title by reason of any such defect.

Section 203.390 concerns purchase money mortgages financing the sale of Secretary-held properties. The titles to these properties are in a special category because of the operation of that section. The section assures mortgagees that if the property that secures an insured mortgage is one previously purchased from the Secretary and later conveyed to HUD in connection with a claim, then the Secretary will not object to the title "by reason of any lien or other adverse interest that was senior to the mortgage on the date such mortgage was filed for record."

Section 203.390 was made a part of HUD's regulations to facilitate the sales of Secretary-held properties financed by FHA-insured mortgages. The reason the regulation is able to give mortgagees this assurance as to title is the fact that when HUD acquires a property in connection with a mortgage insurance claim, the mortgagee must furnish title evidence to show that HUD is receiving good, marketable title to the conveyed property. This is required by 24 CFR 203.366. HUD creates no title defects during its tenure in title. Consequently, it may be safely assumed that the title that is conveyed by HUD to its purchaser is good and marketable. Additionally, a mortgage given by HUD's purchaser to finance the property sale would normally be a first lien of record because of the operation of state laws giving priority to purchase money mortgages.

This purchase money mortgage priority is of vital importance because of the effect of recorded judgment liens. A judgment lien properly recorded in a jurisdiction attaches immediately to all property owned of record in that jurisdiction by the judgment debtor. Consequently, whenever a prospective mortgagee is about to make a mortgage loan, it must first search the judgment records in the jurisdiction, to make sure that there are no recorded judgments against the mortgagor that are or will be attached to the property that is to be mortgaged and that will come ahead of the mortgage when it is recorded.

In part as a means of facilitating the financing of property sales, jursidictions have adopted laws known as the purchase money mortgage priority, hereinafter referred to as the "pump." The "pump" operates in the following manner: A mortgage or deed of trust which is given to secure the purchase of land and executed simultaneously with the conveyance to the mortgagor will have priority over any judgments which have been taken and are of record against the mortgagor before the conveyance—whether the mortgage is given by the vendee to the vendor himself or to a lender who advances the purchase money to the vendee.

It can easily be deduced that § 203.390 was adopted as a regulation only on the assumption that all jurisdictions had some form of a "pump" which would protect the priority of the purchase money mortgage, and indirectly proptect HUD. Standard authorities in real estate law seem to state that in all jurisdictions, a purchase money mortgage has priority (by virtue of statute or judicial decision) over all other private liens against the vendee. HUD knows that the titles to properties that it sells are good and marketable because it has been provided with title evidence showing this in the prior claim. HUD also knows that it does nothing to create title defects during the time that it is in title. What HUD cannot know, and what HUD has no control over, is whether it purchasers have any outstanding judgment lien recorded against them at the time these purchasers are taking title and giving back purchase money mortgages. This is why a "pump" is so essential for the proper operation of § 203.390. If the jurisdiction has a "pump," the purchase money mortgage that finances the sale of the Secretary-held property *must* be a first lien, even though the purchaser may have outstanding thousands of dollars worth of recorded judgment liens.

However, the Department recently learned that there are at least two Western states that have no "pump" laws. Furthermore, there are a few states that have only modified forms of "pump" laws that allow certain types of liens recorded against vendees to prime purchase money mortgages. In these states, HUD could be conveying marketable titles, but if the purchasers have judgment liens of record against them, these liens would be considered superior to the insured purchase money mortgages given to finance the sales. In effect, the FHA-insured mortgages would be second liens. The current § 203.390 would prevent HUD from objecting to the existence of the prior lien, and HUD would be required to pay mortgage insurance claims in full, even though it would not be receiving good title to the property being conveyed to it in the claim. If the prior judgment lien were large enough, the insured mortgage could be completely wiped out. Section 203.390(b)(2) would probably require HUD to accept an assignment of the mortgage if the prior judgment lien prevented the mortgagee from foreclosing on the mortgage.

The lack of "pump" protection in these few states makes it necessary to revise § 203.390(b), as is done in this rule, to exclude from coverage under its waiver provisions liens which have already been recorded against the mortgagor. In these states, HUD cannot effectively prevent these liens from priming purchase money mortgages, and consequently cannot be expected to waive their effect.

This revision should not adversely affect the interests of any mortgagee or lender. Nor is it likely to cause mortgagees to make any changes in their existing loan closing and settlement procedures. Mortgagees in states like Arizona and Colorado that lack "pump" laws must be acutely aware that their jurisdictions lack "pump" protection, and of the title problems this can cause. Consequently, in order to be able to make the "first lien" certifications that are required for all FHA-insured loans, and in order to protect their purchase money mortgages, lenders in these states, when closing loans, must routinely check on the judgment lien status of all of the purchasers. If a prospective purchaser is found to have outstanding judgment liens recorded against him that would be superior to purchase money mortgage, the recordation of the deed and mortgage would be postponed until the matter could be resolved.

This routine examination of the judgment lien status of purchasers probably explains why the Department has never experienced any losses in connection with the waiver provisions of § 203.390(b) as it is currently written. Nevertheless, the revision needs to be made to preclude any such losses in the future. If a mortgagee were to record a mortgage which in fact is in second position to judgment liens against a purchaser, the only ground HUD might have to disallow the mortgage insurance claim would be on the basis of the mortgagee's having committed fraud or material misrepresentation in having the loan insured. Disallowance of the insurance claim would be dependent on HUD's showing that the mortgagee knew about the prior liens, originated the mortgage, and made the certification to HUD in spite of them. This possible recourse clearly does not provide HUD with much protection.

To provide this protection it is necessary to revise § 203.390(b), as is done in this rule, to exclude from coverage under its waiver provisions liens that have already been recorded against the mortgagor.

Nature of Rule Making

It is the policy of the Department to publish rules for public comment before developing a rule for effect. However, in a particular case where notice and public comment are not required by statute, the procedure for advance public comment may be omitted if the Department determines it is impracticable, unnecessary or contrary to the public interest. In this case, the Department finds that the solicitation of public comment before issuing this rule for effect is unnecessary and would serve no public purpose. The rule will not adversely affect the interests of any mortgagee, mortgagor or lender, nor should it require any changes in existing loan closing and settlement procedures. The rule essentially provides HUD with protection against a negligent examination of the judgment lien status of purchasers in those states where such examinations are necessary.

Procedural Matters

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule would apply only in very specific and limited situations and any entities that may be affected by the rule will have had a more than adequate opportunity to protect themselves.

This rule was listed as item number 1459 in the Department's Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24382, 24413), in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this rule relate only to internal administrative procedures whose content does not constitute a development decision nor affect the physical conditions of project areas or building sites, and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Council, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have Federalism implications and, thus, are not subject to review under the Order. The rule does not change in any way existing relationships between HUD, the states and local governments.

Executive Order 12606, The Family

The General Council, as the Designated Official under Executive Order 12606, The Family, has determined that this rule would not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule is technical in nature. It relates solely to the acceptance by the Secretary of mortgages on property formerly held by the Secretary.

The Catalog of Federal Domestic Assistance program number is 14.117.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, 24 CFR part 203 is amended as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 203 is revised to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b; in addition, subpart C is also issued under 12 U.S.C. 1715u.

2. Paragraphs (b) of § 203.390 is revised to read as follows:

§ 203.390 Waiver of title—mortgages or property formerly held by the Secretary.

* * * * *

(b) *Property sold by the Secretary.* (1) If a property held by the Secretary is sold by the Secretary who also insures a mortgage financing the sale, and the mortgage is later reassigned to the Secretary or the property covered by the mortgage is later conveyed to the Secretary, the Secretary will not object to title by reason of any lien or other adverse interest arose from a lien or interest that had already been recorded against the mortgagor.

(2) The Secretary will accept an assignment of a mortgage executed in connection with the sale of property by the Secretary, where the mortgagee is

unable to complete foreclosure because of a defect in the mortgage instrument, a defect in the mortgage transaction, or a defect in title which existed at or prior to the time the mortgage was filed for record, except where the defect arose from a lien or interest that had already been recorded against the mortgagor on the date that the mortgage was filed for record. Except for the case of a lien or interest that had already been recorded against the mortgagor, the Secretary will not object to title by reason of any of the above defects.

Dated: June 17, 1993.

Nicholas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 93-15541 Filed 6-30-93; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Attorney General Order No. 1751-93]

Delegation of Authority to Settle Certain Claims Against the Drug Enforcement Administration

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule delegates to the Administrator of the Drug Enforcement Administration (DEA) the authority to settle certain personal injury or property damage claims arising out of the activities of DEA investigative and law enforcement personnel. This rule is enacted to improve the efficiency of the Department of Justice.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Dennis F. Hoffman, Chief Counsel, Drug Enforcement Administration, Washington, DC 20537 (202) 307-8085.

SUPPLEMENTARY INFORMATION: Pursuant to 31 U.S.C. 3724, the Attorney General is authorized to settle claims, for not more than $50,000.00 in any one case, for personal injury or property damage "caused by an investigative or law enforcement officer * * * who is employed by the Department of Justice acting within the scope of employment," which cannot be paid under the Federal Tort Claims Act, 28 U.S.C. 2401(b), 2671-2680. In order to facilitate the settlement of such claims arising out of the actions of DEA personnel, the authority to settle such claims is being delegated to the Administrator of the DEA.

This rule relates to the internal management of the Department of Justice. Therefore, pursuant to 5 U.S.C. 553, it is exempt from the notice and comment requirements of the Administrative Procedure Act and may be effective less than 30 days after publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities. With respect to Executive Order 12612, it is certified that this rule will have no Federalism impact. The delegation of claims settlement authority directly to DEA will facilitate the resolution of claims presented by the public.

List of Subjects in 28 CFR Part 0

Authority delegation (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

For the reasons set forth in the preamble, subpart R of 28 CFR part 0 is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

2. Section 0.103a is added to read as follows:

§ 0.103a Delegations respecting claims against the Drug Enforcement Administration.

(a) The Administrator of DEA is authorized to exercise the power and authority vested in the Attorney General under the Act of December 7, 1989, Public Law 101-203, 103 Stat. 1805 (31 U.S.C. 3724) with regard to claims thereunder arising out of the lawful activities of DEA personnel in an amount not to exceed $50,000.00 in any one case.

(b) Notwithstanding the provisions of 28 CFR 0.104, the Administrator of DEA is authorized to redelegate the power and authority vested in him in paragraph (a) of this section to the Chief Counsel of DEA and the Chief Counsel's designee within the Office of Chief Counsel. This authority shall not be further redelegated below the Associate Chief Counsel level.

Dated: June 18, 1993.

Janet Reno,

Attorney General.

[FR Doc. 93-15059 Filed 6-30-93; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 55

[Attorney General Order No. 1752-93]

Amendment to the Attorney General's Minority Language Guidelines; New Coverage Determinations Under the Voting Rights Language Assistance Act of 1992

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule updates the Appendix to the Attorney General's interpretive guidelines under the minority language provisions of the Voting Rights Act to reflect the enactment of the Voting Rights Language Assistance Act of 1992 and the coverage determinations of the Director of the Census pursuant to that act. It also makes minor changes in the text of the guidelines to conform them to the new enactment and determinations. It does not reflect any change in the Attorney General's interpretation of the substantive requirements of the minority language provisions of the Voting Rights Act.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, P.O. Box 66128, Washington, DC 22035-6128, 202-307-2898.

SUPPLEMENTARY INFORMATION: Pursuant to the Voting Rights Language Assistance Act of 1992 (the "1992 amendments"), Public Law 102-344, 106 Stat. 921, the Director of the Census published in the **Federal Register** on September 18, 1992, new determinations of coverage under section 203(b) of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-1a(b). 57 FR 43213. This amendment conforms the Attorney General's minority language interpretive guidelines, 28 CFR part 55, to the new determinations of coverage and to the changes made in the Voting Rights Act by the 1992 amendments.

Section 203 of the Voting Rights Act, which requires covered jurisdictions to use minority languages in the electoral process, was added to the Voting Rights Act in 1975 and extended in 1982. The 1992 amendments extend section 203 until August 6, 2007, and expand the section's coverage formula.

Section 55.6 of these guidelines has been rewritten to reflect the altered coverage formula. The Appendix, which lists jurisdictions covered under the Voting Rights Act's minority language requirements, has been revised to reflect the determinations of the Director of the Census under the new formula, and minor changes have been made in other sections of these guidelines.

Coverage

As enacted in 1975, section 203 mandated the coverage of jurisdictions in which more than 5 percent of the citizen voting age population were members of a single language minority group and in which the illiteracy rate of the language minority group members was higher than the national illiteracy rate. This formula was retained in 1982, but the determinations made pursuant to the 1982 amendments were to include as members of a language minority group only those persons "who do not speak or understand English adequately enough to participate in the electoral process * * *." Under the 1992 amendments, this limitation is now part of section 203. The explanation of the 5 percent criterion (which includes two alternative approaches) has been simplified in § 55.6(a) and now is described as follows:

(1) *Political subdivision approach. A political subdivision is covered if—*

(i) More than 5 percent of its voting age citizens are members of a single language minority group and are limited-English proficient, and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(2) *State approach.* A political subdivision is covered if—

(i) It is located in a state in which more than 5 percent of the voting age citizens are members of a single language minority and are limited-English proficient;

(ii) The illiteracy rate of such language minority citizens in the state is higher than the national illiteracy rate; and

(iii) Five percent or more of the voting age citizens of the political subdivision are members of such language minority group and are limited-English proficient.

The 1992 amendments added two bases for coverage, one based on the number rather than the percentage of language minority group members, and the other based on the presence of Indian reservations satisfying certain criteria. The new bases are described as follows in § 55.6(a):

(3) *Numerical approach.* A political subdivision is covered if—

(i) More than 10,000 of its voting age citizens are members of a single language minority group and are limited-English proficient, and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(4) *Indian reservation approach.* A political subdivision is covered if there is located within its borders all or any part of an Indian reservation—

(i) In which more than 5 percent of the voting age American Indian or Alaska Native citizens are members of a single language minority group and are limited-English proficient, and

(ii) The illiteracy rate of such language minority citizens is higher than the national illiteracy rate.

Additional definitions used in coverage determinations provided by the 1992 amendments have been added to § 55.6(b).

Other Changes

The changes made in §§ 55.1, 55.7, 55.17, and 55.20 are self-explanatory. The change in § 55.13(b) eliminates a misleading reference.

Absence of Comment Period

Because this revision of the Attorney General's minority language guidelines only conforms the guidelines to the changes effected by the 1992 amendments and to the determinations of the Director of the Census of coverage under section 203(b), which under the terms of that section are not subject to judicial review, and makes other minor technical changes, it is an interpretive rule, and therefore is published without notice. Under § 55.24, comments and suggestions on these guidelines are welcome at any time.

Rulemaking Requirements

Under the definition of section 1(b) of E.O. 12291, this amendment does not constitute a major rule. Accordingly, a regulatory impact analysis has not been prepared. Because this amendment is excepted under 5 U.S.C. 553(b), a final regulatory flexibility analysis is not required under 5 U.S.C. 604. This rule does not have federalism implications warranting the preparation of a Federalism Assessment in accordance with section 6 of E.O. 12612.

List of Subjects in 28 CFR Part 55

Administrative practice and procedure, Civil rights, Elections, Voting rights.

Dated: June 18, 1993.

Janet Reno,

Attorney General.

Accordingly, part 55 of title 28 of the Code of Federal Regulations is amended as set forth below.

PART 55—IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

1. The authority citation for part 55 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; 42 U.S.C. 1973b, 1973j(d), 1973aa–1a, 1973aa–2.

§ 55.1 [Amended]

2. Section 55.1 is amended in the definition of "Act" by removing, following the words "89 Stat. 400,", the word "and" by adding, following the words "96 Stat. 131,", the words "and the Voting Rights Language Assistance Act of 1992, Public Law 102–344, 106 Stat. 921,".

3. Section 55.6 is revised to read as follows:

§ 55.6 Coverage under section 203(c).

(a) *Coverage formula.* There are four ways in which a political subdivision can become subject to section 203(c).[2]

(1) *Political subdivision approach.* A political subdivision is covered if—

(i) More than 5 percent of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(2) *State approach.* A political subdivision is covered if—

(i) It is located in a state in which more than 5 percent of the voting age citizens are members of a single language minority and are limited-English proficient;

(ii) The illiteracy rate of such language minority citizens in the state is higher than the national illiteracy rate; and

(iii) Five percent or more of the voting age citizens of the political subdivision are members of such language minority group and are limited-English proficient.

(3) *Numerical approach.* A political subdivision is covered if—

(i) More than 10,000 of its voting age citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens in the political subdivision is higher than the national illiteracy rate.

(4) *Indian reservation approach.* A political subdivision is covered if there is located within its borders all or any part of an Indian reservation—

(i) In which more than 5 percent of the voting age American Indian or

[2] The criteria for coverage are contained in section 203(b).

Alaska Native citizens are members of a single language minority group and are limited-English proficient; and

(ii) The illiteracy rate of such language minority citizens is higher than the national illiteracy rate.

(b) *Definitions.* For the purpose of determinations of coverage under section 203(c), *limited-English proficient* means unable to speak or understand English adequately enough to participate in the electoral process; *Indian reservation* means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census; and *illiteracy* means the failure to complete the fifth primary grade.

(c) *Determinations.* Determinations of coverage under section 203(c) are made with regard to specific language groups of the language minorities listed in section 203(e).

§ 55.7 [Amended]

4. Section 55.7 is amended by removing, in paragraph (b), the word "1992" and adding, in its place, the word "2007".

§ 55.13 [Amended]

5. Section 55.13 is amended by removing, in paragraph (b), the words "pursuant to section 4(f)(4)".

§ 55.17 [Amended]

6. Section 55.17 is amended by removing, following the words "are provided to", the words "less than" and adding, in their place, the words "fewer than".

§ 55.20 [Amended]

7. Section 55.20 is amended by removing, in paragraph (c) following the words "by a person of", the word "his" and adding, in its place, the words "his or her".

8. The Appendix to part 55 is revised to read as follows:

Appendix to Part 55—Jurisdictions Covered Under Sections 4(f)(4) and 203(c) of the Voting Rights Act of 1965, as Amended

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)[1]	Coverage under sec. 203(c)[2]
Alaska:	Alaskan Natives (statewide)	
Aleutians East Borough		Alaskan Natives (Eskimo).
Aleutians West Census Area		Alaskan Natives (Aleut).
Bethel Census Area		American Indian (Athapascan, Tanaina), Alaskan Natives (Eskimo).
Bristol Bay Borough		Alaskan Natives (Eskimo).
Dillingham Census Area		Alaskan Natives (Eskimo).
Kenai Peninsula Borough		Alaskan Natives (Eskimo).
Kodiak Island Borough		Alaskan Natives (Aleut, Eskimo).
Lake and Peninsula Borough		American Indian (Athapascan), Alaskan Natives (Aleut, Eskimo).
Nome Census Area		Alaskan Natives (Eskimo).
North Slope Borough		Alaskan Natives (Eskimo).
Northwest Arctic Borough		Alaskan Natives (Eskimo).
Skagway-Yakutat-Angoon Census Area		American Indian (Tlinglit).
Southeast Fairbanks Census Area		American Indian (Athapascan).
Valdez-Cordova Census Area		American Indian (Athapascan).
Wade Hampton Census Area		Alaskan Natives (Eskimo).
Yukon-Koyukuk Census Area		American Indian (Athapascan, Kuchin), Alaskan Natives (Eskimo).
Arizona:	Spanish heritage (statewide)	
Apache County	American Indian	American Indian (Apache, Navajo, Zuni).
Coconino County	American Indian	American Indian (Havasupai, Hopi, Navajo).
Gila County		American Indian (Apache).
Graham County		American Indian (Apache).
Greenlee County		Spanish heritage.
Maricopa County		American Indian (Pima, Yavapai), Spanish heritage.
Navajo County	American Indian	American Indian (Apache, Hopi, Navajo).
Pima County		American Indian (Pima), Spanish heritage.
Pinal County	American Indian	American Indian (Apache, Pima).
Santa Cruz County		Spanish heritage.
Yuma County		American Indian (Delta River Yuma, Yuma), Spanish heritage.
California:		
Alameda County		Asian American (Chinese), Spanish heritage.
Colusa County		American Indian (Wintun).
Fresno County		Spanish heritage.
Imperial County		Spanish heritage.
Inyo County		American Indian (Spanish).
Kern County		Spanish heritage.
Kings County	Spanish heritage	Spanish heritage.
Lake County		American Indian (Spanish).
Los Angeles County		Asian American (Chinese, Filipino, Japanese, Vietnamese), Spanish heritage.
Merced County	Spanish heritage	
Monterey County		Spanish heritage.
Orange County		Asian American (Vietnamese), Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) [1]	Coverage under sec. 203(c) [2]
Riverside County		Spanish heritage.
San Benito County		Spanish heritage
San Bernardino County		Spanish heritage.
San Diego County		Spanish heritage.
San Francisco County		Asian American (Chinese).
Santa Clara County		Spanish heritage.
Tulare County		Spanish heritage.
Ventura County		Spanish heritage.
Yuba County	Spanish heritage	
Colorado:		
Alamosa County		Spanish heritage.
Archuleta County		Spanish heritage.
Bent County		Spanish heritage.
Conejos County		Spanish heritage.
Costilla County		Spanish heritage.
La Plata County		American Indian (Ute).
Las Animas County		Spanish heritage.
Montezuma County		American Indian (Ute).
Otero County		Spanish heritage.
Rio Grande County		Spanish heritage.
Saguache County		Spanish heritage.
Connecticut:		
Fairfield County: Bridgeport Town		Spanish heritage.
Hartford County:		
Hartford Town		Spanish heritage.
New Britain Town		Spanish heritage.
Windham County: Windham Town		Spanish heritage.
Florida:		
Broward County		American Indian (Mikasuki, Muskogee), Spanish heritage.
Collier County	Spanish heritage	American Indian (Mikasuki).
Dade County		American Indian (Mikasuki), Spanish heritage.
Glades County		American Indian (Muskogee).
Hardee County	Spanish heritage	Spanish heritage.
Hendry County	Spanish heritage	American Indian (Mikasuki, Muskogee).
Hillsborough County	Spanish heritage	Spanish heritage.
Orange County		Spanish heritage.
Monroe County	Spanish heritage	
Hawaii:		
Honolulu County		Asian American (Filipino, Japanese).
Kauai County		Asian American (Filipino).
Maui County		Asian American (Filipino).
Idaho:		
Bannock County		American Indian (Shoshoni).
Bingham County		American Indian (Shoshoni).
Owyhee County		American Indian (Shoshoni).
Power County		American Indian (Shoshoni).
Illinois: Cook County		Spanish heritage.
Iowa: Tama County		American Indian (Fox).
Louisiana: Avoyelles Parish		American Indian (French).
Massachusetts:		
Essex County: Lawrence City		Spanish heritage.
Hampden County:		
Holyoke City		Spanish heritage.
Springfield City		Spanish heritage.
Suffolk County:		
Boston City		Spanish heritage.
Chelsea City		Spanish heritage.
Michigan:		
Allegan County: Clyde Township	Spanish heritage	Spanish heritage.
Oceana County: Colfax Township		Spanish heritage.
Saginaw County:		
Buena Vista Township	Spanish heritage	
Zilwaukee Township		Spanish heritage.
Mississippi:		
Jones County		American Indian (Choctaw).
Kemper County		American Indian (Choctaw).
Leake County		American Indian (Choctaw).
Neshoba County		American Indian (Choctaw).
Newton County		American Indian (Choctaw).
Winston County		American Indian (Choctaw).
Nevada:		
Elko County		American Indian (Shoshoni).

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) [1]	Coverage under sec. 203(c) [2]
Humboldt County		American Indian (Paiute).
New Jersey:		
Essex County		Spanish heritage.
Hudson County		Spanish heritage.
Middlesex County		Spanish heritage.
Passaic County		Spanish heritage.
Union County		Spanish heritage.
New Mexico:		
Bernalillo County		American Indian (Keres, Navajo, Tiwa), Spanish heritage.
Chaves County		Spanish heritage.
Cibola County		American Indian (Keres, Navajo, Zuni), Spanish heritage.
Colfax County		Spanish heritage.
Dona Anna County		Spanish heritage.
Eddy County		Spanish heritage.
Grant County		Spanish heritage.
Guadalupe County		Spanish heritage.
Harding County		Spanish heritage.
Hidalgo County		Spanish heritage.
Lea County		Spanish heritage.
Luna County		Spanish heritage.
McKinley County		American Indian (Navajo, Zuni).
Mora County		Spanish heritage.
Quay County		Spanish heritage.
Rio Arriba County		American Indian (Jicarilla, Navajo), Spanish heritage.
Roosevelt County		Spanish heritage.
San Juan County		American Indian (Navajo).
San Miguel County		Spanish heritage.
Sandoval County		American Indian (Jicarilla, Keres, Navajo, Towa).
Santa Fe County		Spanish heritage.
Socorro County		American Indian (Navajo), Spanish heritage.
Taos County		American Indian (Tiwa), Spanish heritage.
Torrance County		Spanish heritage.
Union County		Spanish heritage.
Valencia County		American Indian (Keres, Tiwa), Spanish heritage.
New York:		
Bronx County	Spanish heritage	Spanish heritage.
Franklin County		American Indian (Mohawk).
Kings County	Spanish heritage	Asian American (Chinese), Spanish heritage.
New York County		Asian American (Chinese), Spanish heritage.
Queens County		Asian American (Chinese), Spanish heritage.
Suffolk County		Spanish heritage.
Westchester County		Spanish heritage.
North Carolina: Jackson County	American Indian	
North Dakota:		
Benson County		American Indian (Dakota).
Eddy County		American Indian (Dakota).
Ramsey County		American Indian (Dakota).
Oklahoma: Adair County		American Indian (Cherokee).
Oregon: Malheur County		American Indian (Paiute).
Pennsylvania: Philadelphia County		Spanish heritage.
Rhode Island:		
Providence County: Central Falls City		Spanish heritage.
South Dakota:		
Dewey County		American Indian (Dakota).
Gregory County		American Indian (Dakota).
Lyman County		American Indian (Dakota).
Mellette County	American Indian	
Shannon County	American Indian	
Todd County	American Indian	American Indian (Dakota).
Tripp County		American Indian (Dakota).
Ziebach County		American Indian (Dakota).
Texas	Spanish heritage (statewide)	
Andrews County		Spanish heritage.
Atascosa County		Spanish heritage.
Bailey County		Spanish heritage.
Bee County		Spanish heritage.
Bexar County		Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4) [1]	Coverage under sec. 203(c) [2]
Brewster County		Spanish heritage.
Brooks County		Spanish heritage.
Caldwell County		Spanish heritage.
Calhoun County		Spanish heritage.
Cameron County		Spanish heritage.
Castro County		Spanish heritage.
Cochran County		Spanish heritage.
Comal County		Spanish heritage.
Concho County		Spanish heritage.
Crocket County		Spanish heritage.
Crosby County		Spanish heritage.
Culberson County		Spanish heritage.
Dallas County		Spanish heritage.
Dawson County		Spanish heritage.
Deaf Smith County		Spanish heritage.
Dewitt County		Spanish heritage.
Dickens County		Spanish heritage.
Dimmit County		Spanish heritage.
Duval County		Spanish heritage.
Ector County		Spanish heritage.
Edwards County		Spanish heritage.
El Paso County		American Indian (Spanish), Spanish heritage.
Floyd County		Spanish heritage.
Frio County		Spanish heritage.
Gaines County		Spanish heritage.
Garza County		Spanish heritage.
Glasscock County		Spanish heritage.
Goliad County		Spanish heritage.
Gonzales County		Spanish heritage.
Gaudalupe County		Spanish heritage.
Hale County		Spanish heritage.
Harris County		Spanish heritage.
Hays County		Spanish heritage.
Hidalgo County		Spanish heritage.
Hockley County		Spanish heritage.
Howard County		Spanish heritage.
Hudspeth County		Spanish heritage.
Irion County		Spanish heritage.
Jeff Davis County		Spanish heritage.
Jim Hogg County		Spanish heritage.
Jim Wells County		Spanish heritage.
Karnes County		Spanish heritage.
Kennedy County		Spanish heritage.
Kent County		Spanish heritage.
Kinney County		Spanish heritage.
Kleberg County		Spanish heritage.
La Salle County		Spanish heritage.
Lamb County		Spanish heritage.
Live Oak County		Spanish heritage.
Lubbock County		Spanish heritage.
Lynn County		Spanish heritage.
Martin County		Spanish heritage.
Maverick County		Spanish heritage.
McCulloch County		Spanish heritage.
McMullen County		Spanish heritage.
Medina County		Spanish heritage.
Menard County		Spanish heritage.
Midland County		Spanish heritage.
Mitchell County		Spanish heritage.
Moore County		Spanish heritage.
Nolan County		Spanish heritage.
Nueces County		Spanish heritage.
Parmer County		Spanish heritage.
Pecos County		Spanish heritage.
Polk County		Spanish heritage.
Presidio County		Spanish heritage.
Reagan County		Spanish heritage.
Reeves County		Spanish heritage.
Refugio County		Spanish heritage.
Runnels County		Spanish heritage.
San Patricio County		Spanish heritage.
Schleicher County		Spanish heritage.

[Applicable language minority group(s)]

Jurisdiction	Coverage under sec. 4(f)(4)[1]	Coverage under sec. 203(c)[2]
Scurry County		Spanish heritage.
Starr County		Spanish heritage.
Sutton County		Spanish heritage.
Swisher County		Spanish heritage.
Tarrant County		Spanish heritage.
Terrell County		Spanish heritage.
Terry County		Spanish heritage.
Tom Green County		Spanish heritage.
Travis County		Spanish heritage.
Upton County		Spanish heritage.
Uvalde County		Spanish heritage.
Val Verde County		Spanish heritage.
Victoria County		Spanish heritage.
Ward County		Spanish heritage.
Webb County		Spanish heritage.
Wharton County		Spanish heritage.
Willacy County		Spanish heritage.
Wilson County		Spanish heritage.
Winkler County		Spanish heritage.
Yoakum County		Spanish heritage.
Zapata County		Spanish heritage.
Zavala County		Spanish heritage.
Utah: San Juan County		American Indian (Navajo, Ute).
Wisconsin:		
Clark County: Curtiss Village		Spanish heritage.

[1] Coverage determinations were published at 40 FR 43746 (Sept. 23, 1975), 40 FR 49422 (Oct. 22, 1975), 41 FR 784 (Jan. 5, 1976) (corrected at 41 FR 1503 (Jan. 8, 1976)), and 41 FR 34329 (Aug. 13, 1976). Covered counties in Colorado, New Mexico, and Oklahoma have bailed out pursuant to section 4(a). See § 55.7(a) of this part.

[2] Coverage determinations were published at 57 FR 43213 (Sept. 18, 1992).

[FR Doc. 93–15462 Filed 6–30–93; 8:45 am]

BILLING CODE 4410–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1400

Repeal of Agency Promulgated Ethics Regulations; Correction

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule; correction.

SUMMARY: The Federal Mediation and Conciliation Service is correcting an error in amendments to the agency's ethics regulations. The amendments were published in the **Federal Register** on April 7, 1993 (58 FR 18007).

EFFECTIVE DATE: June 28, 1993.

FOR FURTHER INFORMATION CONTACT: Ted M. Chaskelson, Acting General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427. Telephone: 202–653–5270.

SUPPLEMENTARY INFORMATION: An agency final rule to repeal certain regulations on the ethical conduct of Federal Mediation and Conciliation Service (FMCS) employees was published in the **Federal Register** on April 7, 1993 (58 FR 18007). The reason for the rule was that the provisions were superseded by Office of Government Ethics (OGE) rules establishing uniform standards of conduct and financial disclosure requirements for executive branch employees. This document adds one technical change; i.e., to delete a reference in 29 CFR 1400.735–12 which refers to § 1400.735–11, as that section will no longer exist. This change will have no substantive effect.

Correction

The following correction is made to "Repeal of Agency Promulgated Ethics Regulations" published in the **Federal Register** on April 7, 1993 (58 FR 18007). The change reflects the deletion of a reference to a section (29 CFR 1400.735–11) that the agency has repealed.

On page 18008 in the third column, instructional paragraph 7, is added as follows:

7. The introductory text to 29 CFR 1400.735–12(a)(2) is revised to read as follows:

§ 1400.735–12 Outside employment, business activities, or interests (paid or unpaid).

(a) * * *

(2) Outside employment limitations in paragraph (a)(1) of this section do not preclude an employee from:

* * * * *

Dated: June 28, 1993.

Ted M. Chaskelson,

Acting General Counsel.

[FR Doc. 93–15556 Filed 6–30–93; 8:45 am]

BILLING CODE 6732–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2606, 2612, 2615, 2616, 2622, and 2623

[RIN 1212–AA40]

Miscellaneous Amendments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: Statutes amending the Employee Retirement Income Security Act of 1974 have made changes in procedures and other rules, including timing and definitional provisions, that affect and, in some cases, override several portions of the Pension Benefit Guaranty Corporation's regulations. This rule amend parts 2606, 2612, 2615, 2622, and 2623 of the regulations to conform them to current law. It also includes other, organizational and procedural amendments and clarifying and technical changes.

EFFECTIVE DATE: August 2, 1993.

FOR FURTHER INFORMATION CONTACT: Judith Neibrief, Attorney, Office of the