Restrictions on Lobbying and Certain Other Activities

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends regulations to conform with a statutory proviso in the Legal Services Corporation's ("LSC" or "Corporation") appropriations act for the current fiscal year that limits the Corporation's ability to implement certain private funds provisions to those restrictions expressly set out in the LSC Act.

DATES: Comments must be received by August 31, 1992.

ADDRESSES: Office of the General Counsel, Legal Services Corporation, 750 First Street NE, Washington, DC 20520-4250.

FURTHER INFORMATION CONTACT: Peter M. Fortuna, General Counsel, Office of the General Counsel, (202) 335-8810.

SUPPLEMENTARY INFORMATION: On July 29, 1992, LSC published at 52 FR 28434 its final lobbying rule, 45 CFR part 1612. At the same time, LSC requested public comments on part 1612's private funds provisions. See 52 FR 28441 (July 29, 1992). On August 27 and 28, the Committee on Operations and Regulations ("Committee") of the Corporation's Board of Directors ("Board") heard public comment at its meeting in Seattle, Washington. As a result of its deliberations in Seattle, the Board approved two clarifying changes to the rule but rejected arguments that LSC's regulation of private funds was unauthorized and unconstitutional. The approved revisions were never published as final.


The consistent use of this restriction demonstrates a congressional intent that LSC not regulate a grantee's private funds for restrictions in LSC's appropriations acts that are not also included in the LSC Act. Therefore, the Corporation is soliciting comments on part 1612's private funds provisions.

The appropriations act that are authorized by the LSC Act and LSC's appropriations act. Section 1010(c) of the LSC Act prohibits the use of private funds by LSC grantees for activities prohibited by the Act. 42 U.S.C. 2996(c). The appropriations act, on the other hand, generally applies only to LSC's grantees' federal funds. Part 1612 extends the application of section 1010(c) to activities prohibited by LSC's appropriations act that are allowed under the LSC Act. Thus, part 1612 presently prohibits the use of private funds by LSC grantees for activities prohibited by LSC's appropriations act in addition to those activities prohibited by the LSC Act.

The above cited proviso prohibits application of part 1612's private funds provisions to activities prohibited by LSC's appropriations act but not prohibited by the LSC Act. LSC has identified three activities that are restricted by the appropriations act but not prohibited by the LSC Act. Under the LSC Act, recipients may:
1. Engage in self-interest lobbying;
2. Engage in grassroots lobbying on behalf of an eligible client; and
3. Disseminate information about public policies and political activities. These three activities are prohibited by LSC's appropriations act.

One only revision to part 1612 is necessary to conform the rule to the appropriations act proviso since $1612.13 already provides exceptions for two of these three activities. A new §1612.13(e) is proposed to be added that would allow grassroots lobbying on behalf of an eligible client. An exception for self-interest lobbying already exists in §1612.13(a), and §1612.13(d) already provides an exception for the dissemination of information about public policies and political activities.

List of Subjects in 45 CFR Part 1612

Civil disorders, Legal services, Lobbying, Reporting and recordkeeping requirements.

For reasons set out in the preamble, 45 CFR part 1612 is proposed to be amended as follows:

PART 1612—RESTRICTIONS ON LOBBYING AND CERTAIN OTHER ACTIVITIES

1. The authority citation for part 1612 continues to read as follows:


2. Section 1612.13 is amended by adding paragraph (e) to read as follows:

§1612.13 Private funds.

(e) A recipient may use private funds to engage in grassroots lobbying at the request of a current eligible client of that recipient to the extent such activities are necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities, but no recipient shall solicit a client for the purpose of making such representation possible.


Victor M. Fortuna,
General Counsel.
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45 CFR Part 1626

Restrictions on Legal Assistance to Aliens

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends regulations to allow representation of permanent amnesty aliens, i.e., aliens who have adjusted their status to that of permanent resident alien under the provisions of the Immigration and Nationality Act ("INA").
Section 1628.4 is amended by revising paragraph (a) introductory text and paragraphs (a)(1) to read as follows:

§ 1628.4 Alien status and eligibility.
(a) Subject to all other eligibility requirements of the Act, an alien who is present in the United States and who is within one of the following categories shall be eligible for legal services: (1) An alien lawfully admitted for permanent residence as an immigrant as defined by section 1101(a)(20) of the Immigration and Nationality Act (INA) (8 U.S.C. 1101(a)(20)).

Victor M. Fortuno,
General Counsel.
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 34, 35, and 43
[CC Docket No. 92-145, FCC No. 92-285]
Elimination of and Revisions to the Commission's Rules
AGENCY: Federal Communications Commission.
ACTION: Proposed rule.
SUMMARY: The Commission has adopted a Notice of Proposed Rulemaking which proposes to eliminate certain regulations contained in the Commission's Rules and also proposes to eliminate the related Annual Reports Form R and Q. Finally, the Commission requires record carriers to file a letter each year on operating revenues and communications plant. We are proposing these changes because we do not see a need for these record carriers to continue accounting under uniform systems of accounts or to file extensive data with us. This proposal will provide effective and adaptive regulation for record carriers while eliminating regulations that are unnecessary or intimal to the public interest.
DATES: Comments must be filed on or before September 7, 1992, and reply comments must be filed on or before September 22, 1992.

ADDRESS: Federal Communications Commission, Office of the Secretary, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Glen R. Searcy, Secretary.

47 CFR Part 90
[CC Docket No. 92-153; RM-7783, FCC 92-320]
Private Land Mobile Radio Services; 72-76 MHz Fire Radio Call Box Operations
AGENCY: Federal Communications Commission.
ACTION: Proposed rule.
SUMMARY: The Commission has released a Notice of Proposed Rule Making that proposes amending its rules to permit the Fire Radio Service to conduct fire call box operations on ten low-power frequencies in the 72-76 MHz band on a shared basis with the Forest Products, Special Industrial, Manufacturers, and Railroad Radio Services. This action is necessary to obtain interference-free fire call operation and should result in more effective and efficient fire service.
DATES: Comments must be submitted on or before September 11, 1992, and reply...