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OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2637 and 2641

RIN 3209-AA08

Post-Employment Conflict of Interest; Exemption Procedures and Agency Component Designations for the Executive Branch

AGENCY: Office of Government Ethics.

ACTION: Interim rule with request for comments.

SUMMARY: Since 1980, 5 CFR part 2637 (formerly 5 CFR part 737) has provided guidance concerning the post-employment conflict of interest restrictions of 18 U.S.C. 207. As a result of recent amendments to 18 U.S.C. 207 effective January 1, 1991, executive branch employees terminating Government service on or after that date will be subject to substantially revised post-employment restrictions. The Office of Government Ethics intends to publish a comprehensive revision of its regulatory guidance to reflect these amendments. This guidance will be published in this new part 2641. Pending the completion of this comprehensive revision, however, the Office of Government Ethics is issuing this interim rule in new part 2641: (1) To establish procedures to exempt senior employee positions from 18 U.S.C. 207(c); (2) to designate separate agency components for purposes of 18 U.S.C. 207(c) as authorized by 18 U.S.C. 207(h); and (3) to establish procedures for the future designation and modification of agency component designations. Former employees, ethics officials, and others will continue to consult part 2637 for guidance concerning the previous version of 18 U.S.C. 207, which will continue to apply to individuals terminating Government service prior to January 1, 1991.

DATES: Interim rule effective January 1, 1991. Comments from agencies and the public are invited and must be received by March 4, 1991.

ADDRESSES: Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005-3917, Attention: Ms. Loring.

FOR FURTHER INFORMATION CONTACT: Julia S. Loring or Barbara Mullen-Roth, Office of Government Ethics, telephone (202/FTS) 523-5757, FAX (202/FTS) 523-6325.

SUPPLEMENTARY INFORMATION:

A. Substantive Discussion of Exemption and Agency Component Designation Procedures

The post-employment conflict of interest restrictions of 18 U.S.C. 207 were substantially revised by the Ethics Reform Act of 1989, Public Law No. 101-194, 103 Stat. 1716, with technical amendments enacted by Public Law No. 101-280, 104 Stat. 149 (1990). Effective January 1, 1991, 18 U.S.C. 207 sets forth revised substantive prohibitions restricting the activities of individuals who terminate Government service or who leave certain high-level positions on or after that date. While certain of the restrictions of revised 18 U.S.C. 207 apply to Members of Congress and other officials in the legislative branch, this part 2641 is intended to provide guidance concerning the provisions of 18 U.S.C. 207 only as they apply to Federal employees in the executive branch, including independent agencies. The Office of Government Ethics has interpretive rulemaking authority with respect to 18 U.S.C. 207 pursuant to Executive Order 12674, as modified by Executive Order 12731.

Pending the completion of a comprehensive part 2641 that will provide guidance concerning all substantive prohibitions of revised 18 U.S.C. 207, interim rule will permit the immediate exercise of the Director's authority in relation to the scope of section 207(c). Agencies should continue to consult 5 CFR part 2637 for guidance concerning the previous version of 18 U.S.C. 207, which will continue to apply to employees terminating Government service prior to January 1, 1991. The Office of Government Ethics is adding an editorial note to part 2637 to explain the purpose of that part's continued publication. The authority citation is

also being revised to indicate that part 2637 reflects the version of 18 U.S.C. 207 in effect prior to January 1, 1991.

Under the one-year "cooling-off" restriction of 18 U.S.C. 207(c), former senior employees are prohibited for one year from contacting their former departments or agencies for the purpose of influencing official action. The prohibition is applicable only to "senior" employees of the executive branch. The definition of "senior employee" in § 2641.101 of this rule reflects the recent amendment of 18 U.S.C. 207(c)(2)(A)(ii) by section 101(b)(8)(A) of the Federal Employees Pay Comparability Act of 1990, Public Law No. 101-509, 104 Stat. 1389.

In addition to the general exceptions set forth in section 207(j), revised 18 U.S.C. 207 provides for two methods by which the restrictions of section 207(c) can be narrowed or eliminated in the case of certain former senior employees. Both of these methods require action by the Director of the Office of Government Ethics. Accordingly, § 2641.201(d) of this interim rule establishes a procedure by which the Director may waive the application of section 207(c) to certain positions or categories of positions. Appendix A to this part is reserved for a listing of any positions exempted from the restrictions of section 207(c) under this procedure. The interim rule also sets forth at § 2641.201(e) the procedure by which the Director may designate separate departmental and agency components, thereby limiting the scope of the prohibition of section 207(c). Appendix B to this part lists initial separate departmental or agency component designations.

Pursuant to 18 U.S.C. 207(c)(2)(C), section 207(c) is not applicable to any former senior employee whose Government position has been exempted from the prohibition by the Director. As explained in § 2641.201(d)(1) of the interim rule, the granting of an exemption for a particular senior employee position means that the one-year restriction of 18 U.S.C. 207(c) will not apply upon any employee's termination from the position. Section 2641.201(d)(3) of the rule sets forth procedures by which a designated agency ethics official may request, on behalf of his agency, that the Director exempt a particular position or positions from the coverage of 18 U.S.C. 207(c). As described in § 2641.201(d)(5) of the rule,

the Director may exempt a position or category of positions from section 207(c) if he determines that (1) granting the exemption would not create the potential for use of undue influence of unfair advantage based on past Government service, and (2) imposition of the restrictions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions. In making the latter determination, the Director may consider, for example, the fact that the incumbent of the position receives a special rate of pay pursuant to specific statutory authority or is required to have outstanding qualifications in a scientific, technological, or other technical discipline. Section 2641.201(d)(2) of the rule specifies senior employee positions that are not eligible for exemption from 18 U.S.C. 207(c).

The impact of 18 U.S.C. 207(c) can be narrowed through designation, by the Director, of separate departmental or agency components. The representational bar of section 207(c) will ordinarily extend to the whole of the department or agency in which a former senior employee served in any capacity during the year prior to termination from senior service. The terms "department" and "agency" are defined in § 2641.101 of the interim rule. However, as explained in § 2641.201(e)(1) of the rule, certain former senior employees may engage in representational activities before a component of their former department or agency if that component has been designated by the Director of the Office of Government Ethics pursuant to 18 U.S.C. 207(h) as a distinct and separate agency or bureau within that department or agency. As described in § 2641.201(e)(2) of the rule, certain categories of senior employees are ineligible to benefit from the narrowing effect of component designations. Unless ineligible, a senior employee who formerly served in a parent organization will be permitted to contact current employees of designated components during the one-year cooling-off period notwithstanding the fact that his official responsibilities may have included the exercise of general supervision over the component.

In general, revised 18 U.S.C. 207(h) combines authorities previously set forth in 18 U.S.C. 207 (e) and (d)(1)(C) as in effect prior to January 1, 1991. Section 207(e) previously gave the Director of the Office of Government Ethics authority to designate separate statutory components, while section 207(d)(1)(C) authorized the designation of separate

administratively created components. Appendix B to this part sets forth initial component designations effective as of January 1, 1991. These initial designations reflect a combined listing of the statutory and nonstatutory components as last designated under authority of prior sections 207 (e) and (d)(1)(C). 55 FR 4308 (Feb. 7, 1990), as supplemented by 55 FR 24855 (June 19, 1990). In addition, the 21 Offices of the U.S. Trustee have been designated as separate components of the Department of Justice in response to a request from that department's alternate designated agency ethics official that was received subsequent to June 19, 1990. All initial designations are consistent with the criteria set forth in 18 U.S.C. 207(h), as implemented in § 2641.201(e)(6) of this rule, requiring that the Director finding that (1) there exists no potential for use of undue influence or unfair advantage based on past Government service, and (2) the component is an agency or bureau, within a department or agency, that exercises functions which are distinct and separate from the functions of the parent department or agency and from the functions of other components of that parent. The distinct and separate character of a component can be demonstrated, for example, by the fact that it has a separate statutory basis or by the fact that it exercises distinct and separate subject matter of geographical jurisdiction. Section 2641.201(e)(3) of the rule provides for the future addition and revocation of designations. The Director can consider requests from designated agency ethics officials for additional designations or revocation of current designations at any time after January 1, 1991.

B. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to section 553 of title 5 of the United States Code, the Director of the Office of Government Ethics finds that good cause exists for waiving the general notice of proposed rulemaking and 30-day delayed effective date, and for making this interim rule retroactively effective to January 1, 1991. These requirements are being waived because the revised post-employment restrictions of 18 U.S.C. 207, as amended by Public Laws 101-194, 101-280, and 101-509, are effective as of January 1, 1991. Section 207, as amended, authorizes administrative actions that can narrow the coverage and scope of certain of the revised statute's substantive restrictions. The Director of the Office of Government Ethics has authority to take action to exempt certain Government positions from the coverage of section

207(c) and to designate certain departmental or agency components in order that the scope of that provision's representational bar may be limited to less than the whole of a department or agency. The interim rule lists the Director's initial designations of departmental and agency components and prescribes interim procedures for the modification of these initial designations. The rule also prescribes procedures for exempting senior positions from the coverage of section 207(c). Consequently, it is essential to the workings of executive branch ethics programs that this implementing rule go into effect as soon as possible.

However, this is an interim rule with provision for a 30-day comment period. The Office of Government Ethics will review all comments received and consider any modifications to this rule which appear warranted.

E.O. 12291, Federal Regulation

As Director of the Office of Government Ethics, I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects current and former Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rule does not contain an information collection requirement that requires the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Parts 2637 and 2641

Conflict of interests, Government employees.

Approved: January 7, 1991.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble and pursuant to its authority under the Ethics in Government Act, 18 U.S.C. 207, and E.O. 12674 as modified by E.O. 12731, the Office of Government Ethics is amending part 2637 and adding a new part 2641, both to subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2637—[AMENDED]

1. The authority citation for 5 CFR part 2637 is revised to read as follows:

Authority: 5 U.S.C. appendixes; 18 U.S.C. 207 (1988).

2. A note is added at the end of the table of contents of 5 CFR part 2637 as follows:

Note: The post-employment conflict of interest restrictions of 18 U.S.C. 207 were substantially revised effective January 1, 1991, by the Ethics Reform Act of 1989, Public Law No. 101-194, 103 Stat. 1716, with technical amendments enacted by Public Law No. 101-280, 104 Stat. 149 (1990). The Office of Government Ethics has published substantive guidance for the executive branch concerning the amended version of 18 U.S.C. 207 in part 2641 of this subchapter. This part 2637 will continue to provide guidance concerning the previous version of section 207, which will continue to apply to individuals terminating Government service prior to January 1, 1991.

3. A new 5 CFR part 2641 is added to read as follows:

PART 2641—POST-EMPLOYMENT CONFLICT OF INTEREST RESTRICTIONS**Subpart A—General Provisions**

Sec.
2641.101 Definitions.

Subpart B—Substantive Provisions

2641.201 One-year restriction on a former senior employee's representations to employees of former agency concerning matter, regardless of prior involvement.

Appendix A to Part 2641—Positions Exempted from 18 U.S.C. 207(c) [Reserved]

Appendix B to Part 2641—Agency Components for Purposes of 18 U.S.C. 207(c)

Authority: 5 U.S.C. appendixes; 18 U.S.C. 207; E.O. 12874, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547.

Subpart A—General Provisions**§ 2641.101 Definitions.**

The following terms are defined for purposes of this part:

Agency includes any department, independent establishment, commission, administration, authority, board, or bureau of the United States, and includes a Government corporation. 18 U.S.C. 202(e)(1); 5 U.S.C. 105.

Department means one of the executive departments enumerated in 5 U.S.C. 101.

Designated agency ethics official means an officer or employee who is designated by the head of an agency to coordinate and manage an agency's ethics program in accordance with

§ 2638.203 of this subchapter. 5 CFR 2638.202.

Employee means any officer or employee of the executive branch as that term is defined in this section. Unless otherwise indicated, the term does not include the President or the Vice President. 18 U.S.C. 202(c). It does not include an individual performing services for the United States as an independent contractor under a personal services contract or an enlisted member of the armed forces as defined in 5 U.S.C. 2101(2). 18 U.S.C. 202(a). Unless otherwise indicated, the term encompasses senior employees, very senior employees, and special Government employees as defined in this section.

Executive branch includes each executive agency as defined in 5 U.S.C. 105, other than the General Accounting Office, and also includes any other entity or administrative unit in the executive branch. 18 U.S.C. 202(e)(1).

Former employee, former senior employee, or former very senior employee means one who was, and is no longer, an employee, senior employee, or very senior employee.

Senior employee means an employee, other than a very senior employee, who is:

(1) Employed in a position for which the rate of pay is specified in or fixed according to 5 U.S.C. 5311-5318 (the Executive Schedule);

(2) Employed in a position for which the basic rate of pay, exclusive of any locality-based pay adjustment under 5 U.S.C. 5302 (or any comparable adjustment pursuant to interim authority of the President) is equal to or greater than the rate of basic pay payable for Level V of the Executive Schedule (including any such position in the Senior Executive Service or other SES-type systems, e.g., the Senior Foreign Service);

(3) Appointed by the President to a position under 3 U.S.C. 105(a)(2)(B);

(4) Appointed by the Vice President to a position under 3 U.S.C. 106(a)(1)(B);

(5) Employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in 37 U.S.C. 201) is pay grade O-7 or above; or

(6) Detailed to any such position.

Special Government employee includes an officer or employee of an agency who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of three hundred and sixty-five consecutive days, temporary duties

either on a full-time or intermittent basis. See 18 U.S.C. 202(a).

Very senior employee means an employee who is:

(1) Serving in the position of Vice President of the United States;

(2) Employed in a position at a rate of pay payable for Level I of the Executive Schedule;

(3) Employed in a position in the Executive Office of the President at a rate of pay payable for Level II of the Executive Schedule;

(4) Appointed by the President to a position under 3 U.S.C. 105(a)(2)(A);

(5) Appointed by the Vice President to a position under 3 U.S.C. 106(a)(1)(A); or

(6) Detailed to any such position.

Subpart B—Substantive Provisions

§ 2641.201 One-year restriction on a former senior employee's representations to employees of former agency concerning matter, regardless of prior involvement.

(a) *Basic Prohibition of 18 U.S.C. 207(c).* For one year after service in a "senior" position terminates, no former "senior" employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of a department or agency in which he served in any capacity during the one-year period prior to termination from "senior" service, if that communication or appearance is made on behalf of any other person (except the United States) in connection with any matter on which he seeks official action by any employee.

(b) *Applicability.* 18 U.S.C. 207(c) applies to all former "senior employees" as defined in § 2641.101 of this part. Certain individuals who served in "very senior" positions are subject to the one-year bar set forth in section 207(d) in lieu of that set forth in section 207(c). See definition of "very senior employee" in § 2641.101.

(1) *Special Government Employees.* 18 U.S.C. 207(c) does not apply to an individual as a result of service as a special Government employee unless the individual:

(i) Served in a senior employee position while serving as a special Government employee; and

(ii) Served 60 or more days as a special Government employee during the one-year period before terminating service as a senior employee.

(2) *Exemption from 18 U.S.C. 207(c).* 18 U.S.C. 207(c) does not apply to an individual as a result of service in a senior position if that position has been exempted from section 207(c) pursuant to the waiver procedures set forth in § 2641.201(d) of this part.

(c) *Measurement of Restriction.* 18 U.S.C. 207(c) is a one-year restriction. The one-year period is measured from the date when the employee ceases to be a senior employee, not from the termination of Government service, unless the two occur simultaneously.

(d) *Waiver of 18 U.S.C. 207(c).* Certain positions or categories of positions can be exempted from 18 U.S.C. 207(c) through the grant of a waiver by the Director of the Office of Government Ethics. 18 U.S.C. 207(c)(2)(C).

(1) *Effect of Exemption.* When an eligible position is exempted from 18 U.S.C. 207(c) by the Director of the Office of Government Ethics, the one-year restriction of section 207(c) will not be triggered upon any employee's termination from the position.

(2) *Eligible Senior Employee Positions.* Any senior employee position is eligible for exemption except the following:

(i) Positions for which the rate of pay is specified in or fixed according to 5 U.S.C. 5311-5318 (the Executive Schedule);

(ii) Positions whose occupants are appointed by the President pursuant to 3 U.S.C. 105(a)(2)(B); or

(iii) Positions whose occupants are appointed by the Vice President pursuant to 3 U.S.C. 106(a)(1)(B).

(3) *Procedure.* An exemption shall be granted in accordance with the following procedure:

(i) *Initial Exemption.* An agency's designated agency ethics official shall forward to the Director of the Office of Government Ethics a written request that a certain senior employee position or category of positions be exempted from 18 U.S.C. 207(c). Any such request shall address the criteria set forth in paragraph (d)(5) of this section. A designated agency ethics official may also request that a current exemption be revoked.

(ii) *Agency Update.* Designated agency ethics officials shall by November 30 of each year forward to the Office of Government Ethics a letter stating whether positions or categories of positions currently exempted should remain exempt from the application of 18 U.S.C. 207(c) in light of the criteria set forth in paragraph (d)(5) of this section.

(iii) *Action by Office of Government Ethics.* The Director of the Office of Government Ethics shall promptly provide to the designated agency ethics official a written response to each initial request for exemption or revocation. The Director shall annually publish in appendix A to this part an updated compilation of all exempted positions or categories of positions. The Director shall publish notice in the Federal

Register when he determines to revoke an exemption based on his finding that the position or positions no longer qualify for exemption.

(4) *Effective Date of Exemption.* Exemptions issued under paragraph (d) of this section shall be effective as of the date of the Director's written response to the designated agency ethics official indicating that the request for exemption has been granted. An exemption shall inure to the benefit of the individual who holds the position when the exemption takes effect, as well as to his successors, but shall not benefit individuals who terminated senior service prior to the effective date of the exemption. Revocation of an exemption shall be effective 90 days after the date that the Director publishes notice of the revocation in the **Federal Register**.

Individuals who formerly served in an exempted position will not become subject to 18 U.S.C. 207(c) in the event the position's exempted status is revoked subsequent to the individual's termination from the position.

(5) *Criteria for Exemption.* Before exempting a position or positions from 18 U.S.C. 207(c), the Director of the Office of Government Ethics must find that with respect to the position or category of positions:

(i) The granting of the exemption would not create the potential for use by former senior employees of undue influence or unfair advantage based on past Government service; and

(ii) The imposition of the restrictions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions as shown by relevant factors which may include, but are not limited to:

(A) The payment of a special rate of pay to the incumbent of the position pursuant to specific statutory authority; or

(B) The requirement that the incumbent of the position have outstanding qualifications in a scientific, technological, or other technical discipline.

(e) *Separate Departmental or Agency Components.* For purposes of 18 U.S.C. 207(c) only, the Director of the Office of Government Ethics is authorized by 18 U.S.C. 207(h) to designate departmental and agency "components" that are distinct and separate from the "parent" department or agency and from each other. Absent such designation, the representational bar of section 207(c) extends to the whole of the department or agency in which the former senior employee served.

(1) *Effect of Designation.* An eligible former senior employee who served in a

"parent" department or agency is not barred by 18 U.S.C. 207(c) from making communications to or appearances before any employee of any designated component of that parent, but is barred as to employees of that parent or of other components that have not been designated. An eligible former senior employee who served in a designated component of a parent department or agency is barred from communicating to or making an appearance before any employee of that component, but is not barred as to any employee of the parent or of any other component.

(2) *Eligible Senior Employees.* All former senior employees are eligible to benefit from this procedure except those who were senior employees by virtue of having been:

(i) Employed in a position for which the rate of pay is specified in or fixed according to 5 U.S.C. 5311-5318 (the Executive Schedule);

(ii) Appointed by the President to a position under 3 U.S.C. 105(a)(2)(B); or

(iii) Appointed by the Vice President to a position under 3 U.S.C. 106(a)(1)(B).

(3) *Procedure.* Distinct and separate components shall be designated in accordance with the following procedure:

(i) *Initial Designation.* Initial designations of departmental and agency components are set forth in appendix B to this part and are effective as of January 1, 1991.

(ii) *Agency Update.* A designated agency ethics official may at any time recommend the designation of an additional component or the revocation of a current designation by forwarding a written request to the Director addressing the criteria set forth in paragraph (e)(6) of this section. Designated agency ethics officials shall by November 30 of each year forward to the Office of Government Ethics a letter stating whether components currently designated should remain designated in light of the criteria set forth in paragraph (e)(6).

(iii) *Action of Office of Government Ethics.* The Director of the Office of Government Ethics shall by rule make or revoke a component designation after considering the recommendation of the designated agency ethics official. The Director shall annually publish in appendix B to this part an updated compilation of all designated departmental or agency components.

(4) *Effective Date of Designation.* Initial component designations shall be effective as of January 1, 1991. Any subsequent designation shall be effective as of the effective date of the rule that creates the designation, but

shall not be effective as to employees who terminated senior service prior to that date. Revocation of a component designation shall be effective 90 days after the effective date of the rule that revokes the designation, but shall not be effective as to individuals who terminated senior service prior to the expiration of such 90-days period.

(5) *Unauthorized Designations.* No agency or bureau within the Executive Office of the President may be designated as a separate departmental or agency component.

(6) *Criteria for Designation.* Before designating an agency component as distinct and separate for purposes of 16 U.S.C. 207(c), the Director of the Office of Government Ethics must find that:

(i) There exists no potential for use by former senior employees of undue influence or unfair advantage based on past Government service; and

(ii) The component is an agency or bureau, within a department or agency, that exercises functions which are distinct and separate from the functions of the parent department or agency and from the functions of other components of that parent as shown by relevant factors which may include, but are not limited to:

(A) The component's creation by statute or a statutory reference indicating that it exercises functions which are distinct and separate; or

(B) The component's exercise of separate and distinct subject matter or geographical jurisdiction.

(7) *Supervisory Relationship.* Provided that a component has a separate statutory basis or exercises distinct and separate subject matter or geographical jurisdiction, the parent will generally be deemed by the Director of the Office of Government Ethics to be distinct and separate from that component notwithstanding that the parent may exercise general supervisory authority over the component. However, the degree of a parent's supervision over a component will be a factor in determining whether subject matter or geographical jurisdiction is in fact distinct and separate. The Director will not ordinarily consider two components as distinct and separate from one another where one component exercises supervisory authority over another.

**Appendix A to 5 CFR Part 2641—
Positions Exempted from 18 U.S.C.
207(c) [Reserved]**

**Appendix B to 5 CFR Part 2641—Agency
Components for Purposes of 18 U.S.C.
207(c)**

Pursuant to the provisions of 18 U.S.C. 207(h), each of the following departments or

agencies is determined, for purposes of 18 U.S.C. 207(c), to have within it distinct and separate components as set forth below:

Parent: Department of Commerce

Components:

Bureau of the Census
Economic Development Administration
International Trade Administration
Minority Business Development
Administration
National Oceanic and Atmospheric
Administration
National Telecommunication and
Information Administration
Patent and Trademark Office

Parent: Department of Defense

Components:

Department of the Air Force
Department of the Army
Department of the Navy
Defense Communications Agency
Defense Intelligence Agency
Defense Logistics Agency
Defense Mapping Agency
Defense Nuclear Agency
National Security Agency

Parent: Department of Energy

Component:

Federal Energy Regulatory Commission

Parent: Department of Health and Human
Services

Components:

Health Care Financing Administration
Food and Drug Administration
Public Health Service
Social Security Administration

Parent: Department of Justice

Components:

Antitrust Division
Bureau of Prisons (including Federal Prison
Industries, Inc.)
Civil Division
Civil Rights Division
Community Relations Service
Criminal Division
Drug Enforcement Administration
Federal Bureau of Investigation
Foreign Claims Settlement Commission
Immigration and Naturalization Service
Independent Counsel
Environment and Natural Resources
Division
National Institute of Justice ¹
Bureau of Justice Assistance ¹
Office of Juvenile Justice and Delinquency
Prevention ¹
Office for Victims of Crime ¹
Bureau of Justice Statistics ¹
Offices of the United States Attorney (94) ²

¹ These five components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

² Each Office of the United States Attorney for a judicial district shall be considered a separate component from each other such office. However, the Office of the United States Attorney for a judicial district shall not be considered separate from the Office of United States Marshal for the same judicial district.

Offices of the United States Marshal (94) ³
Offices of the United States Trustee (21) ⁴
Tax Division
United States Parole Commission

Parent: Department of Labor

Components:

Bureau of Labor Statistics
Employment and Training Administration
Employment Standards Administration
Mine Safety and Health Administration
Occupational Safety and Health
Administration

Parent: Department of State

Components:

Foreign Service Grievance Board
International Joint Commission, United
States and Canada (American Section)

Parent: Department of Transportation

Components:

Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration
Maritime Administration
National Highway Traffic Safety
Administration
Saint Lawrence Seaway Development
Corporation
United States Coast Guard
Urban Mass Transportation Administration

Parent: Department of the Treasury

Components:

Bureau of Alcohol, Tobacco and Firearms
Bureau of Engraving and Printing
Bureau of the Mint
Bureau of the Public Debt
Comptroller of the Currency
Federal Law Enforcement Training Center
Financial Management Service
Internal Revenue Service
Office of Thrift Supervision
United States Customs Service
United States Secret Service

Parent: Federal Emergency Management
Agency

Component:

United States Fire Administration

Parent: National Credit Union Administration

Component:

Central Liquidity Facility

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³ Each Office of the United States Marshal for a judicial district shall be considered a separate component from each other such office. However, the Office of United States Marshal for a judicial district shall not be considered separate from the Office of United States Attorney for the same judicial district.

⁴ Each Office of the United States Trustee for a region shall be considered a separate component from each other such office.