

Pursuant to the foregoing notice, the Corporation received both oral and written comments from the public which were considered at meetings of the Committee on By-laws and Regulations held in Washington, D.C., on August 25 and September 8 and by the full Board of Directors on September 9, 1975.

Most of the oral comments and a portion of the written comments related to technical matters of drafting; many of the suggestions made by these commentators are reflected in the revised regulations issued herewith. One written comment suggested that the definition of "eligible client" contained in paragraph (d) of section 2 of the proposed regulations (now designated as 45 CFR § 1600.2 (d)) be refined and expanded. However, the current definition contained in paragraph (d) of section 2 is the same as that which is set forth in section 1002(3) of the Act. Moreover, the Corporation has determined that the instant regulations are not a proper vehicle for resolving the complex issue of eligibility within the meaning of section 1007(a) (2) of the Act. Finally, one commentator pointed out that the proposed regulations failed to comply with section 1006(b) (5) of the Act to the extent that provisions requiring enforcement by recipients with respect to the activities of their employees were omitted. This defect has been corrected in the revised regulations by including a new paragraph (b) of section 5 (now 45 CFR § 1600.5 (b)) which requires recipients to establish and utilize procedures consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates section 3 or 4 of the revised regulations (45 CFR §§ 1600.3 and 1600.4).

The Board takes this opportunity to express its appreciation for the helpful suggestions which have been furnished and which provided a basis for the revised temporary rules and regulations issued herewith.

Pursuant to section 1008(e) of the Act, the Corporation hereby issues the following temporary rules and regulations to become effective on October 14, 1975. These regulations here issued are temporary. Final rules and regulations will be proposed by notice and publication by the Corporation as soon as practicable.

Part 1600 is added as follows:

- Sec.
- 1600.1 Purpose and scope.
 - 1600.2 Definitions.
 - 1600.3 Picketing, boycotts, strikes, illegal activities.
 - 1600.4 Legislative and administrative representation.
 - 1600.5 Enforcement.

AUTHORITY: Secs. 1006(b) (5), 1011, 1008 (e), Pub. L. 93-355, 88 Stat. 378, 682, 384, 387 (42 U.S.C. 2996e(b) (5), 2996f, 2996g)

§ 1600.1 Purpose and scope.

The purpose of these temporary regulations is to implement and enforce pro-

Title 45—Public Welfare
CHAPTER XVI—LEGAL SERVICES CORPORATION
PART 1600—RESTRICTIONS ON CERTAIN ACTIVITIES

Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. §§ 2996-2996f ("the Act"). The Corporation's Board of Directors, which was confirmed by the Senate on July 9, 1975, held its first meeting on July 14, 1975. Section 1006(b) (5) of the Act requires the Corporation to issue certain rules and regulations within 90 days of its first Board meeting. Accordingly, on August 7, 1975, pursuant to sections 1006(b) (5), 1011 and 1008(e) of the Act, the Corporation noticed and published for comment proposed temporary rules and regulations. (40 FR 33293)

visions of sections 1006(b)(5), 1007(a)(5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability, as of October 14, 1975, of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

§ 1600.2 Definitions.

As used in this Part, the term—
(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 376, 42 U.S.C. §§ 2096-2098f;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation established under the Act;

(d) "Eligible client" means any person financially unable to afford legal assistance;

(e) "Legal assistance" means the provision of any legal services consistent with the purposes and provisions of the Act;

(f) "Recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a)(1) of the Act; and

(g) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under the Act.

§ 1600.3 Picketing, boycotts, strikes, illegal activities.

(a) No employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation),

while carrying out legal assistance activities under the Act, shall engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike.

(b) No such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities:

(1) Any rioting or civil disturbance;

(2) Any activity which is in violation of an outstanding injunction of any court of competent jurisdiction;

(3) Any other illegal activity; or

(4) Any intentional identification of the Corporation or any recipient with any political activity prohibited by section 1907(a)(6) of the Act.

(c) Nothing in this section shall be interpreted to mean that the prohibition against "encouraging" precludes legal advice and representation for an eligible client with respect to such client's legal rights and responsibilities.

§ 1600.4 Legislative and administrative representation.

No funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where—

(a) Representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

(b) A governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto.

§ 1600.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth at § 1067.1-4(b) of this title (relating to suspension) or §§ 1067.1-5 through 1067.1-11 of this title (relating to termination):

(1) To suspend or terminate the employment of any employee of the Corporation who violates the provisions of § 1600.3 of this title; and

(2) To suspend or terminate financial assistance to any recipient which falls to prohibit activities proscribed by the Act or by §§ 1600.3 and 1600.4 of this title;

Provided that, (i) no suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures set forth in §§ 1067.1-3 through 1067.1-11 of this title; and (ii) the term "OEO" in the above-referenced regulations shall mean the Corporation and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board, or his designee.

(b) Recipients shall establish and utilize procedures, consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates §§ 1600.3 or 1600.4 of this title.

Effective date. This part becomes effective on October 14, 1975.

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