

# Rules and Regulations

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### 2 CFR Part 3187

#### 45 CFR Parts 1180 and 1183

RIN 3137-AA24

### Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

**AGENCY:** Institute of Museum and Library Services (IMLS), NFAH.

**ACTION:** Final rule.

**SUMMARY:** The Institute of Museum and Library Services (“IMLS”) finalizes its portion of the uniform federal assistance rule published by the Office of Management and Budget.

**DATES:** This rule is effective on September 21, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Calvin D. Trowbridge III, Deputy General Counsel, Institute of Museum and Library Services, 1800 M Street NW., 9th Floor, Washington, DC 20036. Email: [ctrowbridge@imls.gov](mailto:ctrowbridge@imls.gov). Telephone: (202) 653-4675. Facsimile: (202) 653-4610.

**SUPPLEMENTARY INFORMATION:** On December 19, 2014, the Office of Management and Budget published an interim final rule that provided comprehensive modifications to the principles and requirements for federal awards. 79 FR 75871. The uniform rules were published as 2 CFR part 200. As part of that rulemaking, IMLS adopted part 200, along with an agency-specific addendum in a new part 3187.

IMLS received no relevant comments in response to the rule. Therefore, 2 CFR part 3187, as described in the interim final rule, is adopted with no changes.

### Regulatory Findings

For the regulatory findings regarding this rulemaking, please refer to the analysis prepared by OIRA in the interim final rule, which is incorporated herein. 79 FR at 75876.

■ Accordingly, the interim rule adding 2 CFR part 3187 and amending 45 CFR parts 1180 and 1183, which was published at 79 FR 75871 on December 19, 2014, is adopted as a final rule without change.

Signed: September 14, 2015.

**Andrew Christopher,**

*Associate General Counsel.*

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## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Part 2641

RIN 3209-AA14

### Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations

**AGENCY:** Office of Government Ethics.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Office of Government Ethics (OGE) is issuing this rule to revoke the designation, for purposes of the one-year post-employment conflict of interest restriction in the United States Code, of an agency departmental component that was abolished.

**DATES:** Effective December 21, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Kimberly L. Sikora Panza, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government Ethics, Telephone: 202-482-9300; TTY: 800-877-8339; FAX: 202-482-9237.

**SUPPLEMENTARY INFORMATION:**

#### A. Substantive Discussion: Revocation of Departmental Component

The Director of OGE (Director) is authorized by 18 U.S.C. 207(h) to designate distinct and separate departmental or agency components in the executive branch for purposes of 18 U.S.C. 207(c). The representational bar of 18 U.S.C. 207(c) usually extends to the whole of any department or agency in which a former senior employee served in any capacity during the year prior to termination from a senior

employee position. However, 18 U.S.C. 207(h) provides that whenever the Director determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate component of that department or agency. As a result, a 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 employees of any designated component of that parent, but is barred as to employees of that parent or of other components that have not been separately designated. Moreover, a 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, of another designated component, or of any other agency or bureau of the parent that has not been designated.

Under 18 U.S.C. 207(h)(2), component designations do not apply to persons employed at a rate of pay specified in or fixed according to subchapter II of 5 U.S.C. chapter 53 (the Executive Schedule). Component designations are listed in appendix B to 5 CFR part 2641.

The Director regularly reviews the component designations and determinations and, in consultation with the department or agency concerned, makes such additions and deletions as are necessary. Specifically, the Director “shall, by rule, make or revoke a component designation after considering the recommendation of the designated agency ethics official.” 5 CFR 2641.302(e)(3). Before designating an agency component as distinct and separate for purposes of 18 U.S.C. 207(c), the Director must find that there exists no potential for use of undue influence or unfair advantage based on past Government service, and that the component is an agency or bureau, within a parent agency, that exercises functions which are distinct and separate from the functions of the parent agency and from the functions of other