

# Rules and Regulations

Federal Register

Vol. 84, No. 149

Friday, August 2, 2019

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## OVERSEAS PRIVATE INVESTMENT CORPORATION

### 5 CFR Chapter XXXIII

#### 22 CFR Chapter VII

#### BUILD Act of 2018; Transfer of Regulations

**AGENCY:** Overseas Private Investment Corporation, US International Development Finance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Better Utilization of Investments Leading to Development (BUILD) Act of 2018 will create the U.S. International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the U.S. Agency for International Development (USAID). The reorganization requires a transfer of administrative regulations from OPIC to the new agency.

**DATES:** *Effective* October 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Nichole Skoyles, Administrative Counsel, 202-408-6297, [fedreg@opic.gov](mailto:fedreg@opic.gov).

**SUPPLEMENTARY INFORMATION:** The BUILD Act of 2018 will winddown OPIC and combine the capabilities of OPIC and DCA while providing the US with more flexibility and tools to support investments in developing countries. DFC will be a new, modern agency and requires administrative structure to support its mission. DFC will replace OPIC as the authority for 5 CFR Chapter XXXIII and 22 CFR Chapter VII and assume its administrative regulations which cover ethics restrictions, the FOIA, the Privacy Act, the Sunshine Act, the FCPA, nondiscrimination provisions, lobbying restrictions, and Touhy regulations in all parts under those chapters. Neither OPIC nor DFC currently plan on having non-administrative regulations. Other

than a change in agency name, contact information, and agency authorizing statute, no changes are proposed to the existing regulations.

#### List of Subjects

##### 5 CFR Part 4301

Conflict of interests, Employment.

##### 22 CFR Part 705

Conflict of interests.

##### 22 CFR Part 706

Administrative practice and procedure, Freedom of information, Privacy.

##### 22 CFR Part 707

Privacy.

##### 22 CFR Part 708

Sunshine Act.

##### 22 CFR Part 709

U.S. investments abroad.

##### 22 CFR Part 710

Administrative practice and procedure, Conflict of interest.

##### 22 CFR Part 711

Administrative practice and procedure, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

##### 22 CFR Part 712

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

##### 22 CFR Part 713

Administrative practice and procedure, Labor management relations, State Department

For the reasons stated in the preamble the Overseas Private Investment Corporation amends 5 CFR chapter XXXIII and 22 CFR chapter VII as follows:

#### Title 5

#### CHAPTER XXXIII—US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 1. Revise the heading for chapter XXXIII to read as set forth above.

#### PART 4301—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 2. The authority citation for part 4301 continues to read as follows:

**Authority:** 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.803.

■ 3. Revise the heading for part 4301 to read as set forth above.

#### § 4301.101 [Amended]

■ 4. In § 4301.101, remove the words “Overseas Private Investment Corporation (OPIC)” and add in their place the words “US International Development Finance Corporation (DFC)” in the first sentence.

#### Title 22

#### CHAPTER VII—US INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

■ 5. Revise the heading for chapter VII to read as set forth above.

#### PART 705—EMPLOYEE ETHICAL CONDUCT STANDARDS AND FINANCIAL DISCLOSURE REGULATIONS

■ 6. Revise the authority citation for part 705 to read as follows:

**Authority:** 5 U.S.C. 7301; Pub. L. 115–254, sections 1401–1470.

#### § 705.101 [Amended]

■ 7. In § 705.101:

■ a. Remove the words “Overseas Private Investment Corporation (OPIC)” and add in their place the words “US International Development Finance Corporation (DFC)”;

■ b. Remove “OPIC” and add in its place “DFC”.

#### PART 706—INFORMATION DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

■ 8. Revise the authority citation for part 706 to read as follows:

**Authority:** 5 U.S.C. 552, Pub. L. 114–185; Pub. L. 115–254, sections 1401–1470.

■ 9. In part 706:

- a. Revise the words “Overseas Private Investment Corporation” and add in their place the words “US International Development Finance Corporation” wherever they occur; and
- b. Remove “OPIC” and add in its place “DFC” wherever it occurs.

#### § 706.10 [Amended]

- 10. In § 706.10, remove the web address “[www.opic.gov/foia](http://www.opic.gov/foia)” and add in its place “[www.dfc.gov](http://www.dfc.gov)”.

#### § 706.11 [Amended]

- 11. In § 706.11, in paragraph (a)(1), remove the web address “[FOIA@opic.gov](mailto:FOIA@opic.gov)” and add in its place “[foia@dfc.gov](mailto:foia@dfc.gov)”.

#### § 706.34 [Amended]

- 12. In § 706.34, in paragraph (a), remove the web address “[FOIA@opic.gov](mailto:FOIA@opic.gov)” and add in its place “[foia@dfc.gov](mailto:foia@dfc.gov)”.

### PART 707—ACCESS TO AND SAFEGUARDING OF PERSONAL INFORMATION

- 13. Revise the authority citation for part 707 to read as follows:

**Authority:** 5 U.S.C. 552a; Pub. L. 115–254, sections 1401–1470.

- 14. Revise the heading for part 707 to read as set forth above.

- 15. In part 707:

- a. Remove the words “Overseas Private Investment Corporation” and add in their place the words “US International Development Finance Corporation” wherever they occur; and
- b. Remove “OPIC” and add in its place “DFC” wherever it occurs.

#### § 707.21 [Amended]

- 16. In § 707.21, in paragraph (a), remove the web address “[Privacy@opic.gov](mailto:Privacy@opic.gov)” and add in its place “[privacy@dfc.gov](mailto:privacy@dfc.gov)”.

### PART 708—SUNSHINE REGULATIONS

- 17. Revise the authority citation for part 708 to read as follows:

**Authority:** 5 U.S.C. 552b; Pub. L. 115–254, sections 1401–1470.

### PART 709—[REMOVED AND RESERVED]

- 18. Under the authority 22 U.S.C. 2191, remove and reserve part 709, consisting of §§ 709.1 through 709.8.

### PART 710—ADMINISTRATIVE ENFORCEMENT PROCEDURES OF POST-EMPLOYMENT RESTRICTIONS

- 19. Revise the authority citation for part 710 to read as follows:

**Authority:** 18 U.S.C. 207; Pub. L. 115–254, sections 1401–1470.

- 20. In part 710:

- a. Remove the words “Overseas Private Investment Corporation” and add in their place the words “US International Development Finance Corporation” wherever they occur; and
- b. Remove “OPIC” and add in its place “DFC” wherever it occurs.

### PART 711—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES

- 21. Revise the authority citation for part 711 to read as follows:

**Authority:** 29 U.S.C. 794; Pub. L. 115–254, sections 1401–1470.

- 22. Revise the heading for part 711 to read as set forth above.

#### § 711.170 [Amended]

- 23. In § 711.170, in paragraph (c), remove the address “1615 M Street NW, Washington, DC 20527, Attention: Director of Personnel” and add in its place “1100 New York Avenue NW, Washington, DC 20527, Attention: Director of Human Resources Management”.

### PART 712—NEW RESTRICTIONS ON LOBBYING

- 24. Revise the authority citation for part 712 to read as follows:

**Authority:** 31 U.S.C. 1352; Pub. L. 115–254, section 1401–1470.

### PART 713—PRODUCTION OF NONPUBLIC RECORDS AND TESTIMONY OF EMPLOYEES IN LEGAL PROCEEDINGS

- 25. Revise the authority citation for part 713 to read as follows:

**Authority:** 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 702; 18 U.S.C. 207; 18 U.S.C. 641; 22 U.S.C. 2199(d); 28 U.S.C. 1821; Pub. L. 115–254, sections 1401–1470.

- 26. Revise the heading for part 713 to read as set forth above.

- 27. In part 713:

- a. Remove the words “Overseas Private Investment Corporation” and add in their place the words “US International Development Finance Corporation” wherever they occur; and
- b. Remove “OPIC” and add in its place “DFC” wherever it occurs.

**Dev Jagadesan,**

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[FR Doc. 2019–16250 Filed 8–1–19; 8:45 am]

**BILLING CODE 3210–01–P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 708

[DOE–OHA–2019–0017]

RIN 1903–AA09

### Revisions to the DOE Contractor Employee Protection Program

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The DOE Contractor Employee Protection Program extends whistleblower protections similar to those in the Whistleblower Protection Act to employees of DOE contractors and subcontractors. The Office of Hearings and Appeals (OHA) is amending its regulations to modernize the Department of Energy’s (DOE or Department) contractor employee whistleblower program, as well as to provide improvements within the existing program.

**DATES:** This final rule is effective October 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** Kristin L. Martin, Attorney-Advisor, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585–0107, (202) 287–1550, Email: [kristin.martin@hq.doe.gov](mailto:kristin.martin@hq.doe.gov). Inquiries must identify the final rule for the DOE Contractor Employee Protection Program.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

While most DOE facilities are run by contractors, and DOE contractor employees far outnumber DOE employees, the Whistleblower Protection Act only protects federal employees. Therefore, in order to ensure safe, well-managed workplaces at its facilities, DOE enacted a whistleblower protection program for contractor employees in 1992, the DOE Contractor Employee Protection Program, now codified at 10 CFR part 708. 57 FR 7533 (March 3, 1992). On April 30, 2019, the OHA published a Notice of Proposed Rulemaking (84 FR 18164) proposing the first revision to the program since 1999.

##### II. Summary of Final Rule

The final rule makes the following revisions to part 708. All section numbers reference the section numbers in the revised regulation.

###### A. Headings

The final rule updates part 708’s section headings for clarity, so that