

setting forth in detail the manner and form in which he has complied with this Order.

VII

This Order will terminate twenty years from the date of its issuance, or twenty years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the Order, whichever comes later, provided, however, that the filing of such a complaint will not affect the duration of:

A. Any paragraph in this Order that terminates in less than twenty years;

B. This Order's application to any respondent that is not named as a defendant in such complaint; and

C. This Order if such complaint is filed after the Order has terminated pursuant to this paragraph.

Provided further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the Order, and the dismissal or ruling is either not appealed or upheld on appeal, then the Order will terminate according to this paragraph as though the complaint was never filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Randolph D. Albertson, individually and doing business as Wolverine Capital.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns claims made by the respondent in his advertising, including advertising through the Internet, for a cash grant assistance program. The Commission's complaint charges that the respondent's advertising represents, directly or by implication, that he is able to obtain cash grants for most of his clients. The claim is alleged to be false and

misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because respondent is not able to obtain cash grants for most of his clients. The Commission's complaint also charges that the respondent falsely represented that he possessed and relied upon a reasonable basis that substantiated the above claim. The Commission's complaint alleges that this representation is false and misleading, and in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because at the time he made the representation respondent did not possess and rely upon a reasonable basis that substantiated the claim.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits the respondent from misrepresenting, directly or by implication in his advertising for the cash grant assistance program, or any substantially similar program: (a) The number of persons who are approved for grants; and (b) the services or assistance provided in obtaining grants, loans, or any other financial product or service.

Part II of the proposed order prohibits the respondent from representing, directly or by implication in his advertising for the cash grant assistance program, or any substantially similar program, the number of persons who are approved for grants, or the services or assistance provided in obtaining grants, loans, or any other financial product or service, unless at the time of making such representation respondent possesses and relies upon competent and reliable evidence that substantiates the claim.

Part III of the proposed order requires the respondent to maintain materials relied upon in disseminating any representation covered by the order. Part IV of the proposed order requires the respondent to distribute copies of the order to certain company officials and employees. Part V of the proposed order requires the respondent to notify the Commission of any discontinuance of his present business or employment and of each affiliation with a new business or employment. Part VI of the proposed order requires the respondent to file one or more compliance reports. Part VII of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official

interpretation of the agreement and proposed order or to modify their terms in any way.

Donald S. Clark,

Secretary.

[FR Doc. 96-7866 Filed 3-29-96; 8:45 am]

BILLING CODE 6750-01-M

OFFICE OF GOVERNMENT ETHICS

Revocation of Post-Employment Waiver

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice; revocation of waiver.

SUMMARY: The Office of Government Ethics is giving notice of the termination, effective in three months, of a short-term post-Government employment waiver of certain "senior employee" restrictions it granted earlier this year to position holders in Senior Executive Service (SES) level 4. At the time the waiver was issued, OGE indicated that it was only a temporary measure to allow affected employees, their agencies and OGE itself adequate notice of, and time to respond to, the otherwise sudden imposition of certain senior employee restrictions as a result of 1996 increases to rates of basic pay.

EFFECTIVE DATE: July 1, 1996.

ADDRESSES: Copies of the OGE materials discussed in the Supplementary Information section below may be obtained, without charge, by contacting William E. Gressman, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. The materials are also available on OGE's electronic bulletin board TEBBS ("The Ethics Bulletin Board Service"). Information regarding TEBBS may also be obtained from Mr. Gressman.

FOR FURTHER INFORMATION CONTACT: Mr. Gressman at OGE, telephone: 202-523-5757, ext. 1110; FAX: 202-523-6325.

SUPPLEMENTARY INFORMATION: On January 4, 1996, pursuant to its authority under 18 U.S.C. 207(c)(2)(C), the Office of Government Ethics granted a temporary waiver, effective until June 30, 1996, from the "senior employee" post-Government employment restrictions of 18 U.S.C. 207(c) and consequently subsection (f) to a specified group of executive branch employees. Under 5 CFR 2641.201(d) of OGE's post-employment regulations, a position waiver (exemption) determination is not required to be published in the Federal Register (the January 4, 1996 waiver determination was not published in the Federal

Register but was disseminated at that time to the executive branch departments and agencies.) Rather, there is provision for publication of any needed annual update to the compilation of exempted positions or categories of positions in appendix A to part 2641 (no update has been published thus far in 1996). Moreover, 90-day advance notice of any revocation of a position waiver, such as is being done in this document, is required to be published in the Federal Register.

The group of employees granted the waiver last January was constituted of all executive branch employees whose rate of basic pay on December 28, 1995 was less than the rate of basic pay payable for level V of the Executive Schedule and who as a direct result of Executive Order 12984, or any other Executive order or statute the terms of which are tied to the pay raise effected through that Executive order, would have their basic rate of pay increased to an amount equal to or greater than the rate of basic pay for level V of the Executive Schedule and whose position would then be described in 18 U.S.C. 207(c)(2)(A)(ii). See OGE's January 4, 1996 Memorandum (# DO-96-001) to heads of agencies, designated agency ethics officials and inspectors general.

On December 28, 1995, President Clinton signed Executive Order 12984, "Adjustments of Certain Rates of Pay and Allowances." See 61 FR 237-246 (part III of the January 3, 1996 issue), as amended by E.O. 12990 of February 29, 1996 as to the uniformed services (see 61 FR 8467-8470 (March 5, 1996 issue)). Under Executive Order 12984, one effect of the pay raise, which was to take effect as early as January 7, 1996, was to make the rate of basic pay for Senior Executive Service level 4 (ES-4), at \$109,400 per year, greater than the rate of basic pay for level V of the Executive Schedule, at \$108,200 per year (the latter not having been increased since January 1993).

Thus, under the definitional provisions of the post-Government employment conflict of interest statute, 18 U.S.C. 207(c)(2)(A)(ii), employees at SES level 4, without any accretion in duties or responsibilities, were to become "senior employees" for purposes of section 207 and hence subject to more restrictive post-employment prohibitions. The ES-4 employees, the significantly large middle level of the SES who represent over 40% of the SES workforce, would thus have quickly become subject to the one-year "cooling off" restrictions at section 207(c) and the foreign entities restrictions at section 207(f), which apply to, inter alia, persons subject to

section 207(c) restrictions. Further, this development was unrelated to the purposes underpinning the more restrictive post-employment prohibitions for higher-level "senior employees." Instead, the impact on SES level 4 positions arose only from the combined effect of the Congressional freeze on Executive Schedule level V basic pay and E.O. 12984, and not an increase in level of responsibility.

Under 18 U.S.C. 207(c), a former "senior employee" of the executive branch is prohibited from making certain communications or appearances of behalf of another before an employee of a department or agency in which the former senior employee served in any capacity during the one-year period prior to his termination from a "senior" position. In addition, under 18 U.S.C. 207(f), for one year after service in a "senior" position terminates, no "senior employee" may knowingly, with the intent to influence a decision of an employee of a department or agency of the United States in carrying out his official duties, represent a foreign entity before any department or agency of the United States or aid or advise a foreign entity (defined as a government of a foreign country or a foreign political party). See the OGE Memorandum of December 19, 1995 (# DO-95-045) to designated agency ethics officials.

In its January 4, 1996 Memorandum, OGE noted that new post-employment restrictions have historically not taken effect without some notice to employees and agencies. Such notice permits employees to make any needed career adjustments and also allows agencies to plan for any resultant personnel changes. Last January, the very brief time frames of the impending pay and consequent post-employment changes, exacerbated by the extensive furloughs then prevailing, resulted in very little, if any, effective notice to affected employees and agencies. In these circumstances, OGE determined that the grant of a six-month waiver for the about-to-be newly affected employees, the SES level 4 incumbents, across the entire executive branch was appropriate.

In a related development, the White House Counsel, at the direction of the President, informed all executive departments and agencies in a January 5, 1996 Memorandum that Executive Order 12834 on post-employment ethics pledges for certain senior officials did not apply to employees paid at level 4 of the SES. See OGE's January 11, 1996 Memorandum (# DO-96-002) to designated agency ethics officials forwarding a copy of the White House Memorandum.

The Office of Government Ethics had three reasons for granting the January 4, 1996 short-term post-employment waiver. First, as noted, the six-month waiver period granted was intended to give affected employees fair notice of the otherwise sudden imposition of the section 207 (c) and (f) restrictions (the exemption will become permanent as to any such employee who leaves a senior employee position covered by the waiver before the waiver terminates on July 1, 1996). Second, this grace period, which continues through the end of June of this year, allows executive branch departments and agencies time, in addition to other personnel planning, to consider and prepare, if appropriate, requests for the long-term exemption of individual positions or categories of positions to be submitted to OGE for consideration pursuant to 5 CFR 2641.201(d)(3) of OGE's post-Government employment regulations. Under the statute and OGE's implementing regulations, the OGE Director may determine that a waiver is warranted with respect to a qualified position or a category of positions if the imposition of the restrictions with respect thereto would create an undue hardship to the department or agency concerned in obtaining qualified personnel to fill the position(s) and that granting the waiver would not create the potential for use of undue influence or unfair advantage. See 18 U.S.C. 207(c)(2)(C) and 5 CFR 2641.201(d)(5).

The third reason for OGE's short-term waiver earlier this year was that the six-month waiver period would give OGE time to discuss with the Congress any possible changes to 18 U.S.C. 207 that would take into consideration the effect of pay compression on the applicability of post-employment restrictions. As noted above, one underlying concept of the post-employment restrictions is that the more severe restrictions should only apply to those serving in the most senior career and political positions. The Office of Government Ethics has seen no evidence that the goals of the post-employment restrictions have not been properly met since the new post-employment law took effect in 1991, during which time those at SES level 4 have not been subject "senior employee"-level restrictions.

Under section 207(c)(2)(A)(ii), the term "senior employee" includes any employee who is employed in a position not under the Executive Schedule (see 5 U.S.C. 5311-5318), including the Senior Executive Service, 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. Based on these considerations, OGE has now, with the clearance of the Office of Management and Budget, suggested to Congress that the section 207(c)(2)(A)(ii) be amended so that "senior employee" status thereunder would be triggered by the rate of basic pay for level 5 of the Senior Executive Service, rather than the rate of basic pay for level V of the Executive Schedule. The Office of Government Ethics will keep agencies informed of any progress on this legislative initiative.

Under 5 CFR 2641.201(d)(4), OGE hereby gives notice that the above-referenced post-employment waiver, granted in its January 4, 1996 Memorandum, will expire and is revoked effective on July 1, 1996.

Approved: March 25, 1996.

Stephen D. Potts,

Director, Office of Government Ethics.

[FR Doc. 96-7661 Filed 3-29-96; 8:45 am]

BILLING CODE 6345-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: 45 CFR Part 95, Subpart F—Automatic Data Processing Equipment and Services—Conditions for Federal Financial Participation (FEP).

OMB No: 0992-0005.

Description: The advance planning document (APD) process, established in the rules at 45 CFR Part 95, Subpart F, is the procedure by which states request and obtain approval for Federal financial participation in their cost of acquiring automatic data processing equipment and services. The State agency submitted APD, provides the Department of Health and Human Services (DHHS) with the following information necessary to determine the State's need to acquire the requested ADP equipment and/or services:

1. a statement of need;
2. a requirements analysis and feasibility study;
3. a cost benefits analysis;
4. a proposed activity schedule; and,
5. a proposed budget.

DHHS' determination, of a State agency's need to acquire requested ADP equipment or services, is authorized at

sections 204(a)(5), 452(a)(1), 1902(a)(4) and 1102 of the Social Security Act.

Respondents: State Governments.

Annual Burden Estimates

Advance Planning Document Reporting Requirement; Requested Approval

Annual Number of Respondents: 50.

Number of Annual Reports: 92.

Average Burden Per Response: 60.

Total Burden Hours: 5,520.

RFP and Contract Reporting Requirement

Annual Number of Respondents: 50.

Number of Annual Reports: 77.

Average Burden Per Response: 1.5.

Total Burden Hours: 115.5.

Emergency Funding Request Reporting Requirement

Annual Number of Respondents: 27.

Number of Annual Reports: 27.

Average Burden Per Response: 1.

Total Burden Hours: 27.

Service Agreement Recordkeeping Requirement

Annual Number of Respondents: 14.

Number of Annual Reports: 14.

Average Burden Per Response: 1.

Total Burden Hours: 14.

Recordkeeping Biennial Reports Requirement

Annual Number of Respondents: 50.

Number of Annual Reports: 50.

Average Burden Per Response: 1.5.

Total Burden Hours: 75.

Total State Burden Hours: 5,751.5.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by title.

In addition, requests for copies may be made and comments forwarded to the Reports Clearance Officer over the Internet by sending a message to rkatson@acf.dhhs.gov. Internet messages must be submitted as an ASCII file without special characters or encryption.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 26, 1996.

Robert Katson,

Director, Division of Information Resource Management Services.

[FR Doc. 96-7885 Filed 3-29-96; 8:45 am]

BILLING CODE 4184-01-M

Proposed Information Collection Activity, Comment Request

Title: Child Support Enforcement Program: State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation, Optional Cooperative Agreements for Medical Support Enforcement, and Computerized Support Enforcement Systems.

Summary: The Office of Child Support Enforcement is requesting public comments for the information collection requirements included in a Notice of Proposed Rulemaking issued January 29, 1996 in the Federal Register (61 FR 2774). As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the Department of Health and Human Services is submitting a copy of the revised State plan preprint page to the Office of Management and Budget (OMB) for its review.

The NPRM indicated that State plan preprint page revisions would be submitted to OMB for approval. This pertains to submission of the revised State plan preprint page for Section 303.105, Procedures for Making Information Available to Consumer Reporting Agencies. Under the Paperwork Reduction Act of 1995, the rulemaking notice should have included a request for comments on those information collection requirements. This notice is to supplement that rulemaking. In addition, this notice corrects the OMB number listed in the NPRM associated with those paperwork requirements to 0970-0017.

Respondents: State governments.

Description: The State plan preprint and amendments serve as a contract