

improve the clarity of these regulations, write, e-mail, or call Roy Nanovic at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

#### List of Subjects in CFR Part 803

Probation and parole, Seals and insignia.

**Paul A. Quander, Jr.**

*Director.*

■ Accordingly, we amend chapter VIII, Title 28 of the Code of Federal Regulations by adding part 803 as set forth below.

#### PART 803—AGENCY SEAL

Sec.

803.1 Description.

803.2 Authority to affix seal.

803.3 Use of the seal.

**Authority:** 5 U.S.C. 301; Pub. L. 105–33, 111 Stat. 251, 712 (D.C. Code 24–1232, 24–1233).

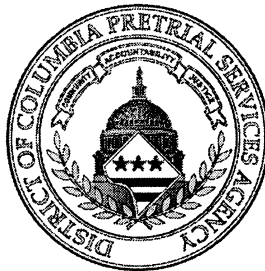
##### § 803.1 Description.

(a) The Agency seal of the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA or Agency) is described as follows: General George Washington's coat of arms in red and white bounded by an outline of the District of Columbia and superimposed upon a blue field together with the dome of the United States Capitol building in gold; encircled by a banner with the words "Community, Accountability, and Justice" and gold laurel branches, with gold edges bearing the inscription "COURT SERVICES AND OFFENDER SUPERVISION AGENCY" above three stars at either side of the words "DISTRICT OF COLUMBIA" in smaller letters in the base; letters and stars in gold. A reproduction of the Agency seal in black and white appears as follows.



(b) The Agency seal of the District of Columbia Pretrial Services Agency (PSA or Agency) is described as follows: General George Washington's coat of arms in red and white bounded by an outline of the District of Columbia and superimposed upon a blue field together with the dome of the United States Capitol building in gold; encircled by a

Accountability, and Justice" and gold laurel branches, with gold edges bearing the inscription "DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY"; letters in gold. A reproduction of the Agency seal in black and white appears as follows.



##### § 803.2 Authority to affix seal.

The Director of CSOSA or PSA (as appropriate) and the Director's designees are authorized to affix the Agency seal (including replicas and reproductions) to appropriate documents, certifications, and other materials of all purposes authorized by this part.

##### § 803.3 Use of the seal.

(a) The Agency seal is used by Agency staff for official agency business as approved by the appropriate Director or designee.

(b) Use of the Agency seal by any person or organization outside of the Agency may be made only with the appropriate prior written approval.

(1) Any request for such use must be made in writing to the Office of the General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004, and must specify, in detail, the exact use to be made. Any permission granted by the appropriate Director or designee applies only to the specific use for which it was granted and is not to be construed as permission for any other use.

(2) The decision whether to grant such a request is made on a case-by-case basis, with consideration of all relevant factors, which may include: the benefit or cost to the government of granting the request; the unintended appearance of endorsement or authentication by the Agency; the potential for misuse; the effect upon Agency security; the reputability of the use; the extent of the control by the Agency over the ultimate use; and the extent of control by the Agency over distribution of any products or publications bearing the Agency seal.

(c) Falsely making, forging, counterfeiting, mutilating, or altering the Agency seal or reproduction, or

knowingly using or possessing with fraudulent intent an altered Agency seal or reproduction is punishable under 28 U.S.C. 506.

(d) Any person using the Agency seal or reproduction in a manner inconsistent with the provisions of this part is subject to the provisions of 18 U.S.C. 1017, which states penalties for the wrongful use of an Agency seal, and other provisions of law as applicable.

[FR Doc. 04–8914 Filed 4–19–04; 8:45 am]

BILLING CODE 3129–01–M

#### COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

##### 28 CFR Part 804

[CSOSA–0008–F]

RIN 3225–AA06

##### Acceptance of Gifts

**AGENCY:** Court Services and Offender Supervision Agency for the District of Columbia.

**ACTION:** Final rule.

**SUMMARY:** The Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) is adopting regulations on the acceptance or use of gifts by itself and by the District of Columbia Pretrial Services Agency (PSA), an independent entity within CSOSA. In accordance with specific statutory authority, CSOSA and PSA may accept and use gifts in the form of in-kind contributions of space and hospitality for the purpose of supporting offender and defendant programs and of equipment and vocational training services to educate and train offenders and defendants. These regulations delegate authority to the Director of PSA with respect to gifts supporting defendant programs and vocational training services, establish procedures for the public to follow when offering a gift, establish criteria for accepting and using gifts, and establish procedures for audit and public inspection of records pertaining to the acceptance and use of gifts. These regulations are intended to enhance CSOSA's and PSA's ability to provide appropriate treatment and support services that can assist defendants and offenders in reintegrating into the community.

**DATES:** *Effective Date:* May 20, 2004.

**ADDRESSES:** Office of the General Counsel, CSOSA, Room 1253, 633 Indiana Avenue, NW., Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Roy Nanovic, Records Manager (telephone: (202) 220-5359; e-mail: [roy.nanovic@csosa.gov](mailto:roy.nanovic@csosa.gov)).

**SUPPLEMENTARY INFORMATION:** CSOSA is adopting regulations (28 CFR part 804) on the acceptance or use of gifts by itself and by PSA, an independent entity within CSOSA.

Generally speaking, federal agencies are prohibited from accepting or soliciting gifts, donations, contributions, and similar items from the public. CSOSA's Director, however, has been granted specific authority by Congress to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs and to enable the Agency to provide vocational training services to educate and train offenders and defendants (District of Columbia Appropriations Act of 2002, Public Law 107-96, 115 Stat. 923, 931).

These implementing regulations delegate authority to the Director of PSA with respect to gifts supporting defendant programs and vocational training services. The regulations also establish procedures for the public to follow when offering a gift, criteria for accepting and using gifts, and procedures for audit and public inspection of records pertaining to the acceptance and use of gifts. In establishing such procedures, CSOSA seeks to ensure that Agency employees may process requests for donations and remain in compliance with the general federal prohibition on solicitation of gifts.

### Matters of Regulatory Procedure

#### *Administrative Procedure Act*

A proposed rule on this subject was published in the **Federal Register** on April 22, 2003 (68 FR 19771). The Agency received no comment on this proposed rule. Accordingly, the Agency is adopting the proposed rule as final without change.

Any interested person, however, who wishes to submit further comments on the rule may do so by writing or e-mailing the agency at the addresses given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions. These comments will be considered but will not necessarily receive a response in the **Federal Register**.

#### *Executive Order 12866*

This rule has been determined to be significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

#### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to agency management, and its economic impact is limited to the agency's appropriated funds.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *Plain Language Instructions*

We want to make CSOSA's documents easy to read and understand. If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call Roy Nanovic at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

### List of Subjects in 28 CFR Part 804

Authority delegations (Government agencies), Government property, Probation and parole.

**Paul A. Quander, Jr.,**  
*Director.*

■ Accordingly, we amend chapter VIII, Title 28 of the Code of Federal Regulations by adding a new part 804 as set forth below.

### PART 804—ACCEPTANCE OF GIFTS

Sec.

- 804.1 Purpose.
- 804.2 Delegation of authority.
- 804.3 Restrictions.
- 804.4 Submission and approval.
- 804.5 Audit and public inspection.

**Authority:** 5 U.S.C. 301; Public Law 107-96, 115 Stat. 923, 931.

#### § 804.1 Purpose.

By statute, the Director of the Court Services and Offender Supervision Agency (CSOSA or Agency) is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and of equipment and vocational training services to educate and train offenders and defendants. The purpose of this part is to:

- (a) Inform the public of the procedures to follow when offering a gift;
- (b) Establish criteria for accepting and using gifts;
- (c) Establish procedures for audit and public inspection of records pertaining to the acceptance and use of gifts; and
- (d) Delegate gift acceptance authority to the Director of the Pretrial Services Agency (PSA or Agency).

#### § 804.2 Delegation of authority.

The Director of CSOSA hereby delegates to the Director of PSA the authority to accept and use gifts in the form of in-kind contributions of space and hospitality to support defendant programs, and of equipment and vocational training services to educate and train defendants in accordance with the requirements of this part. This delegation of authority may not be further delegated.

#### § 804.3 Restrictions.

(a) The Agency is not authorized to accept gifts of money, stock, bonds, personal or real property, or devises or bequests of such items, except as provided in this part.

(b) Agency employees may not solicit any type of gift to the Agency.

**§ 804.4 Submission and approval.**

(a) *Offender programs and equipment and vocational training services.* (1) Any person or organization wishing to donate as a gift in-kind contributions of space or hospitality to support offender programs, or equipment or vocational training services to educate and train offenders may submit the following information in writing to the Agency's Ethics Officer in the Office of the General Counsel:

- (i) The name of the person or organization offering the gift;
- (ii) A description of the gift;
- (iii) The estimated value of the gift;
- (iv) Any restrictions on the gift placed by the donor; and
- (v) A signed statement that the gift is unsolicited.

(2) The Director, after consultation with the Agency's Ethics Officer, shall determine whether to accept or reject the gift.

(3) CSOSA staff shall advise the person offering the gift of the Agency's determination, including, if applicable, the reason for rejection. Reasons for rejecting a gift include findings that:

- (i) There is a conflict of interest in accepting the gift;
- (ii) Acceptance of the gift is otherwise unlawful or would create the appearance of impropriety;
- (iii) Acceptance of the gift would obligate the Agency to an unbudgeted expenditure of funds; or
- (iv) Operation of the program, equipment, or vocational training services would not be practicable.

(b) *Defendant programs and equipment and vocational training services.* (1) Any person or organization wishing to donate as a gift in-kind contributions of space or hospitality to support defendant programs, or equipment or vocational training services to educate and train defendants may submit the following information in writing to the Agency's Ethics Officer in the Office of the General Counsel:

- (i) The name of the person or organization offering the gift;
- (ii) A description of the gift;
- (iii) The estimated value of the gift;
- (iv) Any restrictions on the gift placed by the donor; and
- (v) A signed statement that the gift is unsolicited.

(2) The General Counsel shall forward the request to PSA's Director with a recommendation whether to accept or reject the gift.

(3) PSA staff shall advise the person offering the gift of the Agency's determination, including the reason for rejection. Reasons for rejecting a gift include findings that:

- (i) There is a conflict of interest in accepting the gift;

(ii) Acceptance of the gift is otherwise unlawful or would create the appearance of impropriety;

(iii) Acceptance of the gift would obligate the Agency to an unbudgeted expenditure of funds; or

(iv) Operation of the program, equipment, or vocational training services would not be practicable.

**§ 804.5 Audit and public inspection.**

(a) Records regarding the acceptance and use of gifts shall be made available for Federal Government audit.

(b) Public inspection of records regarding the acceptance and use of gifts shall be afforded through Freedom of Information Act requests (*see* 28 CFR part 802).

[FR Doc. 04-8915 Filed 4-19-04; 8:45 am]

BILLING CODE 3129-01-P

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[CGD05-04-071]

RIN 1625-AA09

**Drawbridge Operation Regulations; Manasquan River, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations and request for comments.

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Route 70 Bridge across Manasquan River, mile 3.4, at Riviera Beach, New Jersey. Under this temporary 90-day deviation, the draw of the bridge will open on signal on the hour, except that from 5 p.m. to 7 p.m., Monday through Friday and from 11 p.m. to 7 a.m. every day the draw need not be opened. The purpose of this temporary deviation is to test an alternate drawbridge operation schedule for 90 days and solicit comments from the public.

**DATES:** This deviation is effective from May 1, 2004, through July 29, 2004. Comments must reach the Coast Guard on or before August 31, 2004.

**ADDRESSES:** You may mail comments and related material to Commander (obr), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or they may be hand delivered to

the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The Commander (obr), Fifth Coast Guard District maintains the public docket for this deviation. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

**Request for Comments**

We encourage you to participate in evaluating this test schedule by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this deviation CGD05-04-071, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

**FOR FURTHER INFORMATION CONTACT:**

Waverly W. Gregory Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** Effective on July 11, 2003, the bridge owner, the New Jersey Department of Transportation, was officially permitted to operate the Route 70 Bridge across Manasquan River with new regulations. The new operating regulations listed at 33 CFR 117.727 allows the draw of the bridge to open on signal on the hour, except that from 4 p.m. to 7 p.m. Monday through Friday and from 11 p.m. to 7 a.m., every day the draw need not be open.

Based on comments received on the new operating regulations of the bridge and in an effort to facilitate vessel and vehicular traffic while providing for the reasonable needs of navigation, the District Commander has offered a test period to reexamine the rush hour closure periods during the forthcoming recreational boating season. The new proposal will test a new rush hour period from 5 p.m. to 7 p.m. Monday through Friday, except Federal holidays, as opposed to the current 4 p.m. to 7 p.m. regulatory hours. Therefore, the last drawbridge opening for vessels before the rush hour will occur at 4 p.m. and first opening following the rush hour will be at 7 p.m.