

Legal Services Corporation

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legal problem for which representation is sought, and the nature of the legal services to be provided.

client or for legal services provided to the client by a private attorney pursuant to 45 CFR part 1614.

(b) No written retainer agreement is required for advice and counsel or brief service provided by the recipient to the

(c) The recipient shall maintain copies of all retainer agreements generated in accordance with this section.

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION 2006 POVERTY GUIDELINES *

| Size of household | 48 Contiguous States and the District of Columbia | Alaska | Hawaii |
|--|---|----------|----------|
| 1 | \$12,763 | \$15,963 | \$14,688 |
| 2 | 17,113 | 21,400 | 19,688 |
| 3 | 21,463 | 26,838 | 24,688 |
| 4 | 25,813 | 32,275 | 29,688 |
| 5 | 30,163 | 37,713 | 34,688 |
| 6 | 34,513 | 43,150 | 39,688 |
| 7 | 38,863 | 48,588 | 44,688 |
| 8 | 43,213 | 54,025 | 49,688 |
| For each additional member of the household in excess of 8, add: | 4,350 | 5,438 | 5,000 |

* The figures in this table represent 125% of the poverty guidelines by household size as determined by the Department of Health and Human Services.

REFERENCE CHART—200% OF DHHS FEDERAL POVERTY GUIDELINES

| Size of household | 48 Contiguous States and the District of Columbia | Alaska | Hawaii |
|--|---|----------|----------|
| 1 | \$20,420 | \$25,540 | \$23,500 |
| 2 | 27,380 | 34,240 | 31,500 |
| 3 | 34,340 | 42,940 | 39,500 |
| 4 | 41,300 | 51,640 | 47,500 |
| 5 | 48,260 | 60,340 | 55,500 |
| 6 | 55,220 | 69,040 | 63,500 |
| 7 | 62,180 | 77,740 | 71,500 |
| 8 | 69,140 | 86,440 | 79,500 |
| For each additional member of the household in excess of 8, add: | 6,960 | 8,700 | 8000 |

[72 FR 8114, Feb. 23, 2007]

PART 1612—RESTRICTIONS ON LOBBYING AND CERTAIN OTHER ACTIVITIES

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- 1612.11 Recipient policies and procedures.

AUTHORITY: Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321, secs. 504(a) (2), (3), (4), (5), (6), and (12), 504 (b) and (e); 42 U.S.C. 2996e(b)(5), 2996f(a) (5) and (6), 2996f(b) (4), (6) and (7), and 2996g(e).

SOURCE: 62 FR 19404, Apr. 21, 1997, unless otherwise noted.

§ 1612.1 Purpose.

The purpose of this part is to ensure that LSC recipients and their employees do not engage in certain prohibited activities, including representation before legislative bodies or other direct lobbying activity, grassroots lobbying, participation in rulemaking, public demonstrations, advocacy training, and certain organizing activities. The

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part also provides guidance on when recipients may participate in public rulemaking or in efforts to encourage State or local governments to make funds available to support recipient activities, and when they may respond to requests of legislative and administrative officials.

§ 1612.2 Definitions.

(a) (1) *Grassroots lobbying* means any oral, written or electronically transmitted communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion to the public to contact public officials in support of or in opposition to pending or proposed legislation, regulations, executive decisions, or any decision by the electorate on a measure submitted to it for a vote. It also includes the provision of financial contributions by recipients to, or participation by recipients in, any demonstration, march, rally, fundraising drive, lobbying campaign, letter writing or telephone campaign for the purpose of influencing the course of such legislation, regulations, decisions by administrative bodies, or any decision by the electorate on a measure submitted to it for a vote.

(2) *Grassroots lobbying* does not include communications which are limited solely to reporting on the content or status of, or explaining, pending or proposed legislation or regulations.

(b) (1) *Legislation* means any action or proposal for action by Congress or by a State or local legislative body which is intended to prescribe law or public policy. The term includes, but is not limited to, action on bills, constitutional amendments, ratification of treaties and intergovernmental agreements, approval of appointments and budgets, and approval or disapproval of actions of the executive.

(2) *Legislation* does not include those actions of a legislative body which adjudicate the rights of individuals under existing laws; nor does it include legislation adopted by an Indian Tribal Council.

(c) *Public policy* means an overall plan embracing the general goals and procedures of any governmental body

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and pending or proposed statutes, rules, and regulations.

(d) (1) *Rulemaking* means any agency process for formulating, amending, or repealing rules, regulations or guidelines of general applicability and future effect issued by the agency pursuant to Federal, State or local rulemaking procedures, including:

(i) The customary procedures that are used by an agency to formulate and adopt proposals for the issuance, amendment or revocation of regulations or other statements of general applicability and future effect, such as negotiated rulemaking and “notice and comment” rulemaking procedures under the Federal Administrative Procedure Act or similar procedures used by State or local government agencies; and

(ii) Adjudicatory proceedings that are formal adversarial proceedings to formulate or modify an agency policy of general applicability and future effect.

(2) *Rulemaking* does not include:

(i) Administrative proceedings that produce determinations that are of particular, rather than general, applicability and affect only the private rights, benefits or interests of individuals, such as Social Security hearings, welfare fair hearings, or granting or withholding of licenses;

(ii) Communication with agency personnel for the purpose of obtaining information, clarification, or interpretation of the agency’s rules, regulations, guidelines, policies or practices.

(e) *Public rulemaking* means any rulemaking proceeding or portion of such proceeding or procedure that is open to the public through notices of proposed rulemaking published in the FEDERAL REGISTER or similar State or local journals, announcements of public hearings on proposed rules or notices of proposed rulemaking including those that are routinely sent to interested members of the public, or other similar notifications to members of the public;

(f) *Similar procedure* refers to a legislative process by which matters must be determined by a vote of the electorate.

[62 FR 19404, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997]