

SUPPLEMENTARY INFORMATION: On October 19, 1987, LSC published proposed amendments to 45 CFR part 1607, which sets out requirements for the governing bodies of its recipients. See 52 FR 38900 (Oct. 19, 1987). The Operations and Regulations Committee ("Committee") of the Corporation's Board of Directors ("Board") held hearings on the proposed changes on November 20, 1987, and on January 28-29, 1988, and the Board held hearings on February 26, 1988.

While the revisions were still under consideration, Congress included a proviso in LSC's FY 1988 appropriations act, Public Law 100-202, 101 Stat. 1329-33 (1987), which prohibited the Corporation from imposing requirements on recipient governing bodies that are additional to, or more restrictive than, the provisions of section 1007(c) of the LSC Act. Although the LSC Board voted to accept several of the proposed revisions, the revisions were never published as final, in part due to the fact that each subsequent appropriations act has included the restrictive proviso.

Due to the consistent use of this restriction in LSC's appropriations acts, LSC gave notice of and requested public comment on its consideration of whether to withdraw the proposed amendments to the rule. 57 FR 33697 (July 30, 1992). LSC received and reviewed eight written public comments. In addition, public comments were heard variously by the Committee and the Board in Minneapolis, Minnesota, on September 24, 1992; Washington, DC, on October 19, 1992; and Lake Buena Vista, Florida, on December 7, 1992. Generally, the comments favored the proposal to withdraw, although most stated that the proposed withdrawal was ill-timed due to Congress' then pending consideration of LSC's reauthorization legislation. On December 7, 1992, the Board voted to withdraw the proposed amendments. Therefore, for the foregoing reasons, the Corporation is withdrawing the proposed amendments to the rule as published at 52 FR 38900 (Oct. 19, 1987).

Dated: January 27, 1993.

Victor M. Fortuno,
General Counsel.

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45 CFR Part 1609

Fee-Generating Cases

AGENCY: Legal Services Corporation.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws proposed amendments to 45 CFR part 1609, which governs acceptance of fee-generating cases by the Legal Services Corporation's ("LSC") recipients, to reflect congressional intent that LSC grantees not be subject to any amendments to part 1609 that were not in operational effect on October 1, 1988.

EFFECTIVE DATE: February 1, 1993.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, Legal Services Corporation, (202) 336-8810.

SUPPLEMENTARY INFORMATION: The Legal Services Corporation published at 52 FR 50982 (Dec. 19, 1988) proposed amendments to 45 CFR part 1609, LSC's regulation governing LSC recipients' acceptance of fee-generating cases. The Committee on Operations and Regulations ("Committee") of LSC's Board of Directors ("Board") heard public comment on the proposed regulation on January 20, 1989, at its meeting in Raleigh, North Carolina. At that time, the Committee voted to recommend to the Board a revised version of part 1609. On January 27, 1989, at its meeting in Washington, DC, the Board considered the Committee recommendation but deferred action until the next Board meeting, which was held on March 3, 1989, in Atlanta, Georgia. At the March meeting, the Board voted to accept the Committee recommendation with amendments.

The revisions, however, were never published as final, largely due to a congressional prohibition against their implementation that first appeared in LSC's FY 1990 appropriations act, Public Law 101-162, 103 Stat. 1036-37 (1989). This prohibition, which has been retained in all subsequent appropriations acts covering LSC, provides that LSC grants and contracts shall not be subject to any amendments to regulations relating to fee-generating cases (45 CFR part 1609) not in operational effect on October 1, 1988. See Public Law 102-140, 105 Stat. 824 (1991), incorporating Public Law 101-515, 104 Stat. 2153 (1990).

Due to the consistent use of this restriction in LSC's appropriations acts since FY 1990, LSC gave notice of and requested public comment on its consideration of whether to withdraw the proposed amendments to the rule. 57 FR 33698 (July 30, 1992). LSC received and reviewed eight written public comments. In addition, public comments were heard variously by the Committee and the Board in Minneapolis, Minnesota, on September

24, 1992; Washington, DC, on October 19, 1992; and Lake Buena Vista, Florida, on December 7, 1992. Generally, the comments favored the proposal to withdraw, although most stated that the proposed withdrawal was ill-timed due to Congress' then pending consideration of LSC's reauthorization legislation. On December 7, 1992, the Board voted to withdraw the proposed amendments in order to conform to Congress' intent that LSC not impose the proposed restrictions on LSC recipients. Therefore, for the foregoing reasons, LSC is withdrawing the proposed amendments to the rule as published at 52 FR 50982 (Dec. 19, 1988).

Dated: January 27, 1993.

Victor M. Fortuno,
General Counsel.

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