

# Rules and Regulations

Federal Register

Vol. 63, No. 229

Monday, November 30, 1998

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 950

RIN 3206-A153

#### Authorization of Solicitations During the Combined Federal Campaign

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim Rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing an interim rule giving the Director the discretion to authorize solicitations upon written request during the Combined Federal Campaign (CFC). In extraordinary circumstances, solicitations in support of victims in cases of emergencies or disasters may be approved. The intended effect of this rule is to enable the Federal workforce to respond to emergencies or disasters of catastrophic proportions which may occur during the CFC.

**DATES:** Interim rule effective: November 30, 1998; comments must be received on or before December 30, 1998.

**ADDRESSES:** Send written comments to Lorraine Lewis, General Counsel, Office of General Counsel; Office of Personnel Management; Room 7353, 1900 E Street, NW., Washington, DC 20415-1300.

**FOR FURTHER INFORMATION CONTACT:** Becky Kumar, Office of General Counsel, Office of Personnel Management, (202) 606-2885.

**SUPPLEMENTARY INFORMATION:** The recent devastation in Central America caused by Hurricane Mitch in late October and early November resulted in over 10,000 deaths and destroyed the homes and communities of many thousands more. This tragedy provided the impetus for OPM to review its regulations governing the solicitation of the Federal workforce and to conclude that there is a need for further flexibility in its regulations in

order to respond to emergencies and disasters of catastrophic proportions.

The CFC regulations prohibit solicitations of the Federal workforce apart from those conducted as part of the Combined Federal Campaign. The CFC was designed to be the one concentrated period during which Federal employees may be solicited to contribute to all eligible organizations. The rationale for limiting the CFC to a single period during the year is to provide Federal employees with a means of contributing to a wide variety of worthy voluntary organizations, but to accomplish this with minimal disruption to the work of the Government.

The regulations contain an exception for solicitations requested in writing on behalf of victims of emergencies and disasters, with the limitation that no such solicitations may occur between September 1 to December 15, the period of the CFC. In our review of this matter, we have determined on rare occasions, it may be necessary to authorize a solicitation during this time period. Natural disasters are not subject to time constraints, and extraordinary occurrences may necessitate extraordinary relief measures. OPM believes that this time period is of continuing concern in the future, since, according to the National Oceanic and Atmospheric Administration, the Atlantic hurricane season runs from June 1 through November 30 each year and the Pacific hurricane season runs from May 15 through November 30. Both of these periods overlap with the CFC.

In light of all of the above, OPM is adding a provision to the current regulations governing the CFC to allow the Director to authorize solicitations during the CFC for victims of disasters or emergencies, upon written request and a showing of extraordinary circumstances. OPM expects that both the requests and approvals for such solicitations will be rare.

#### Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would only apply to Federal agencies and employees.

#### Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to make this rule effective in less than 30 days. This regulation is needed to provide the Director with the discretion to authorize solicitations during the Combined Federal Campaign, in extraordinary circumstances in cases of emergencies or disasters.

#### Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

#### List of Subjects in 5 CFR Part 950

Administrative practice and procedure, Charitable contributions, Government employees, Military personnel, Nonprofit organizations. U.S. Office of Personnel Management. **Janice R. Lachance,** Director.

#### PART 950— SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATIONS

##### Subpart A— General Provisions

1. The authority citation for part 950 continues to read as follows:

**Authority:** E.O. 12353 (March 23, 1982), 47 FR 12785 (March 25, 1982). 3 CFR, 1982 Comp., p. 139. E.O. 12404 (February 10, 1983), 48 FR 6685 (February 15, 1983), Pub. L. 100-202, and Pub. L. 102-393 (5 U.S.C. 1101 Note).

2. In § 950.102, paragraph (a) is amended by revising the last sentence to read as follows:

#### § 950.102 Scope of the Combined Federal Campaign.

(a) \* \* \* No such permissions will be granted for such solicitations during the period September 1 through December 15, except at the discretion of the Director upon a showing of extraordinary circumstances.

\* \* \* \* \*

[FR Doc. 98-31693 Filed 11-27-98; 8:45 am]

BILLING CODE 6325-01-P