

family attendance at such gathering is a condition of program participation and failure to attend will be grounds for possible termination of their continued or future program participation; and

(4) Require that the organization's local counselor responsible for the au pair placement contacts the host family and au pair within forty-eight hours of the au pair's arrival and meets, in person, with the host family and au pair within two weeks of the au pair's arrival at the host family's home.

(j) *Stipend and hours.* Sponsors shall require that au pair participants:

(1) Are compensated at a rate of not less than \$115.00 per week;

(2) Do not provide more than a reasonable number of hours of child care on any given day;

(3) Receive a minimum of one and a half days off per week in addition to one complete weekend off each month; and

(4) Receive two weeks of paid vacation.

(k) *Educational component.* Sponsors shall require that during the period of program participation, all au pair participants are enrolled in an accredited post-secondary institution for not less than six hours of academic credit or its equivalent. As a condition of program participation, host family participants must agree to facilitate the enrollment and attendance of the au pair and to pay the cost of such academic course work in an amount not to exceed \$500.

(l) *Monitoring.* Sponsors shall fully monitor all au pair exchanges, and at a minimum shall:

(1) Require monthly personal contact by the local counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;

(2) Require quarterly contact by the regional counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;

(3) Require that all local and regional counselors are appraised of their obligation to report unusual or serious situations or incidents involving either the au pair or host family; and

(4) Promptly report to the Agency any incidents involving or alleging a crime of moral turpitude or violence.

(m) *Reporting requirements.* Along with the annual report required by regulations set forth at § 514.17, sponsors shall file with the Agency the following information:

(1) A summation of the results of an annual survey of all host family and au pair participants regarding satisfaction with the program, its strengths and weaknesses;

(2) A summation of all complaints regarding host family or au pair participation in the program, specifying the nature of the complaint, its resolution, and whether any unresolved complaints are outstanding;

(3) A summation of all situations which resulted in the placement of an au pair participant with more than one host family;

(4) A report by a certified public accountant attesting to the sponsor's compliance with the procedures and reporting requirements set forth in this subpart;

(5) A report detailing the name of the au pair, his or her host family placement, location, and the names of the local and regional organizational representatives; and

(6) A complete set of all promotional materials, brochures, or pamphlets distributed to either host family or au pair participants.

(n) *Sanctions.* In addition to the sanctions provisions set forth at § 514.50, the Agency may undertake immediate program revocation procedures upon documented evidence that a sponsor has failed to:

(1) Comply with the au pair placement requirements set forth in paragraph (e) of this section;

(2) Satisfy the selection requirements for each individual au pair as set forth in paragraph (d) of this section; and

(3) Enforce and monitor host family's compliance with the stipend and hours requirements set forth in paragraph (j) of this section.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Chapter VI

RIN 1076-AD19

Tribal Self-Governance Program Selection Criteria

AGENCY: Office of Self-Governance, Office of the Secretary, Interior

ACTION: Interim rule.

SUMMARY: In this interim rule, the Office of Self-Governance (OSG) announces the criteria for tribes to be included in an applicant pool and the establishment of the selection process for tribes to negotiate agreements pursuant to the Tribal Self-Governance Act of 1994.

DATES: Effective date of this interim rule is February 15, 1995. Written comments concerning this rule must be received

on or before April 17, 1995. The closing date for submission of complete application packages for consideration for negotiations in 1996 is May 16, 1995. No application package will be dated as received before March 17, 1995.

Applications requesting to be included in the applicant pool may be submitted at any time. All tribes wishing to be considered for participation in FY 1996 must respond to this announcement, except for those which are (1) currently involved with negotiations with the Department or (2) one of the 29 tribes with signed agreements in the Demonstration Project.

ADDRESSES: Written comments concerning this rulemaking should be sent to Director, Office of Self-Governance, U.S. Department of the Interior, 1849 C Street NW., Mail Stop 2548, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Verner V. Duus, U.S. Department of the Interior, Office of Self-Governance, 1849 C Street NW., Mail Stop 2548, Washington, DC 20240, 202-219-0240.

SUPPLEMENTARY INFORMATION:

Justification for Interim Rule

Implementation of this rule is not rulemaking subject to the provisions of section 553 of the Administrative Procedure Act (5 U.S.C. 551, *et seq.*) (APA). Section 553(a)(2) excepts from the scope of rulemaking rules "relating to agency management or personnel or to public property, loans, grants, benefits, or contracts."

Even if this rule were considered rulemaking subject to the provisions of section 553 of the APA, good cause exists to publish this interim rule without prior opportunity for public comment for the following reasons.

Section 553 outlines the following rulemaking steps: (1) Publication of a notice of proposed rulemaking, (2) solicitation of public comment on the proposed rule, (3) review of comments received prior to developing the final rule, and (4) publication of the final rule 30 days prior to the effective date. Using this process at this time would not serve the goal of the Tribal Self-Governance Act of 1994, which is to expand tribal participation in the Self-Governance Program, because the process would delay selection of new participating tribes for FY 1996. Under the Tribal Self-Governance Act of 1994, the Secretary may select up to 20 additional participating tribes for the Tribal Self-Governance Program, and negotiate and enter into an annual written funding agreement with each participating tribe. The Act mandates that the Secretary