

communicate with foreign Central Authorities about incoming cases, to determine the whereabouts of children wrongfully taken to the United States, to attempt to promote voluntary return of abducted children, and to facilitate the initiation of judicial proceedings with a view toward securing the return of abducted children. Many of the case officer functions involve extensive contact with local law enforcement officials, social service agencies, legal aid organizations and local bar associations.

The Office of Children's Issues has recently entered into an agreement with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention, and the National Center for Missing and Exploited Children (National Center). Under this agreement, the National Center will assist the U.S. Central Authority in fulfilling its responsibilities under the Hague Convention.

The National Center, a non-governmental organization, is a national resource center and clearinghouse that provides technical assistance to parents seeking to locate and recover children missing in the United States. For more than ten years, the National Center has been performing case management and analysis functions for domestic abductions; it handles more than 1,200 parental child abduction cases annually. By agreement with the Department of Justice, the National Center provides legal technical assistance, maintains a toll-free hotline as well as an online information network, and operates a photo distribution service.

Transferring specified case officer functions to the National Center with respect to incoming Hague Convention cases will result in the provision of better service to parents seeking the return of children under the Convention. Parents will benefit from the National Center's expertise in finding missing children and liaising with contacts in the local law enforcement and social services communities.

This transfer of case officer functions to the National Center will not in any way alter the role of the State Department as U.S. Central Authority under the Hague Convention. The Office of Children's Issues will continue as the U.S. Central Authority under the Convention and will retain ultimate responsibility for all incoming cases. Under the agreement, all inherently governmental functions, including matters of Hague Convention interpretation and policy direction are to be carried out by the Department of State, Congressional and White House

correspondence as well as media relations will continue to be handled by the Office of Children's Issues.

The Department of State is publishing this as an interim final rule, rather than as a notice of proposed rulemaking as allowed by 5 U.S.C. 553(b)(3)(B) when an agency determines, for good cause, that it is unnecessary to publish a proposed rule. The Department of State has determined that publication of a proposed rule is unnecessary, as the transfer of responsibility over incoming Hague Convention cases to the National Center primarily affects workload distribution and management of U.S. Central Authority functions. The Department of State's Office of Children's Issues will continue to perform all inherently governmental functions of the U.S. Central Authority.

This rule is exempt from E.O. 12866, but nonetheless has been reviewed and found to be consistent with the objectives and policies thereof. This rule is not expected to have a significant impact on a substantial, number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). In addition, this rule would not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35. Nor does this rule have federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith.

#### List of Subjects in 22 CFR Part 94

Infants and children, reporting and recordkeeping requirements, Treaties.

For the reasons set forth in the preamble, 22 CFR 94 is amended as follows:

#### **PART 94—INTERNATIONAL CHILD ABDUCTION**

1. The authority citation for part 94 continues to read as follows:

Authority: Hague Convention on the Civil Aspects of International Child Abduction; International Child Abduction Remedies Act, Pub. L. 100-300.

2. Section 94.6 is amended by revising the introductory text and paragraph (1), removing paragraph (k), redesignating paragraphs (a) through (j) as paragraphs (b) through (k), and adding a new paragraph (a) to read as follows:

#### **§ 94.6 Procedures for children abducted to the United States.**

The National Center for Missing and Exploited Children shall act under the direction of the U.S. Central Authority

and shall perform the following operational functions with respect to all Hague Convention applications seeking the return of children wrongfully removed to or retained in the United States or seeking access to children in the United States:

(a) Receive all applications on behalf of the U.S. Central Authority;

\* \* \* \* \*

(l) Perform such additional functions as set out in the "Cooperative Agreement Adjustment Notice" between the Department of State, Department of Justice, and National Center for Missing and Exploited Children.

Dated: November 3, 1995.

Mary A. Ryan,

*Assistant Secretary of State for Consular Affairs.*

[FR Doc. 95-31106 Filed 12-20-95; 8:45 am]

BILLING CODE 4710-06-M

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## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **Federal Highway Administration**

#### **23 CFR Part 1208**

[NHTSA Docket No. 85-12; Notice 4]

RIN 2127-AF95

#### **National Minimum Drinking Age**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Final Rule.

**SUMMARY:** This final rule amends Part 1208 of title 23 of the Code of Federal Regulations (CFR). Part 1208 prescribes the requirements necessary to implement 23 U.S.C. 158, which established the National Minimum Drinking Age Act. This final rule is amending Part 1208 by removing outdated and obsolete provisions from that regulation.

**EFFECTIVE DATE:** January 22, 1996.

**FOR FURTHER INFORMATION CONTACT:** In NHTSA: Mr. James Wright, Office of Traffic Safety Programs, National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 366-2724; or Ms. Heidi L. Coleman, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 366-1834. In FHWA: Ms. Mila Plosky, Office of Highway Safety, Federal Highway

Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 366-6902; or Mr. Paul Brennan, Office of the Chief Counsel, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 366-0834.

**SUPPLEMENTARY INFORMATION:** On March 4, 1995, President Clinton directed all Federal Departments and agencies to take a number of steps to overhaul the nation's regulatory system. The first step was to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform.

NHTSA and FHWA conducted a thorough, page-by-page review of all agency regulations, including those that pertain to State and community highway safety programs.

As a result of these efforts, NHTSA and FHWA have determined that Part 1208 of title 23 of the Code of Federal Regulations (CFR) should be amended, because portions of the regulation are outdated and obsolete.

Part 1208 prescribes the requirements necessary to implement 23 U.S.C. § 158, which established the National Minimum Drinking Age. The regulation clarifies the provisions which a State must have incorporated into its laws in order to avoid the withholding of Federal-aid highway funds for noncompliance with the National Minimum Drinking Age. It also describes, in detail, the consequences of noncompliance.

The regulation was first published in the Federal Register on March 26, 1985 (51 F.R. 10376). It was amended, to reflect statutory changes made to the National Minimum Drinking Age Act, on August 18, 1988 (53 F.R. 31318).

Some of the provisions of the regulation are no longer applicable. For example, under the National Minimum Drinking Age (NMDA), funds withheld from a State prior to FY 1989 remained available for apportionment to the State for a period of time, and States were permitted for a limited period of time to include in their laws "grandfather rights" for persons who were between the ages of 18 and 21. The regulation contained provisions implementing these statutory requirements. These requirements no longer apply. Funds now withheld under the NMDA are not available for apportionment to the State, and grandfather rights may no longer be included in State laws. This final rule deletes these outdated and obsolete provisions.

The NMDA provides that the Secretary must withhold from non-complying States, ten percent of the

funds required to be apportioned under 23 U.S.C. §§ 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6). At the time the NMDA was enacted, these sections corresponded with the Federal-aid primary, secondary, Interstate and urban systems funding categories.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which was enacted on December 18, 1991, revised or eliminated these funding categories, and created new ones, including the National Highway System (NHS) and the Surface Transportation Program (STP). The Interstate System funding category was maintained, although the Interstate system itself is now a component of NHS. The Interstate funding category involves resurfacing, restoring, rehabilitating and reconstruction.

Since the enactment of ISTEA, the agencies have administered the penalty provisions of 23 U.S.C. § 158 by withholding ten percent of a State's apportionments for the NHS, STP and Interstate System programs (23 U.S.C. §§ 104(b)(1), 104(b)(3) and 104(b)(5)), the successors to the funding categories referenced in the NMDA. However, the NMDA has not been amended to reflect the changes made to the funding categories by ISTEA. Accordingly, the implementing regulation for NMDA continues to reflect the language contained in the NMDA. This final rule does not amend this portion of the regulation.

#### Rulemaking Analyses and Notices

##### (a) *Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures.*

The agencies have determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation Regulatory Policies and Procedures. This final rule does not impose any additional burden on the public. It is technical in nature and does not change the requirements of the program. It is anticipated that there will be no economic impact as a result of this rulemaking. Accordingly, a full regulatory evaluation is not required and was not prepared.

##### (b) *Regulatory Flexibility Act.*

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agencies have evaluated the effects of this rule on small entities. Based on the evaluation, the agencies hereby certify that this action will not have a significant impact on a

substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not necessary and was not prepared.

##### (c) *Executive Order 12612 (Federalism Assessment)*

This action has been analyzed in accordance with the principles and criteria contained in Executive order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

##### (d) *Paperwork Reduction Act.*

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

##### (e) *National Environmental Policy Act.*

The agencies have analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that implementation of this action will not have any significant impact on the quality of the human environment.

##### (f) *Executive Order 12778 (Civil Justice Reform)*

This amendment to the regulation does not have any preemptive or retroactive effect. It imposes no requirements on the States, but rather simply removes from the regulation outdated and obsolete provisions that no longer apply. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

#### Notice and Comment

Because the amendments relate to a grant program and are therefore not covered by the Administrative Procedure Act, and since they merely contain technical changes that remove outdated and obsolete provisions from the regulation and do not impose any additional requirements, the amendments are being made without prior notice and opportunity to comment.

#### List of Subjects in 23 CFR Part 1208

Alcohol, Highway Safety.

In accordance with the foregoing, Part 1208 of Title 23 of the Code of Federal Regulations is amended as follows:

**PART 1208—[AMENDED]**

1. The authority citation for Part 1208 continues to read as follows:

Authority: 23 U.S.C. 158; delegation of authority at 49 CFR 1.48 and 1.50.

2. Section 1208.4 is revised to read as follows:

**§ 1208.4 Adoption of National Minimum Drinking Age.**

The Secretary shall withhold ten percent of the amount required to be apportioned to any State under each of §§ 104(b)(1), 104(b)(2), 104(b)(5) and 104(b)(6) of title 23 U.S.C. on the first day of each fiscal year in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

3. Section 1208.5 is revised to read as follows:

**§ 1208.5 Unavailability of withheld funds.**

Funds withheld under § 1208.4 from apportionment to any State will not be available for apportionment to the State.

**§§ 1208.6—1208.8 [Removed]**

4. Sections 1208.6 through 1208.8 are removed.

**§ 1208.9 [Redesignated as § 1208.6]**

5. Section 1208.9 is redesignated as 1208.6.

Issued on: December 18, 1995.

Rodney E. Slater,  
Administrator, Federal Highway  
Administration.

Ricardo Martinez,  
Administrator, National Highway Traffic  
Safety Administration

[FR Doc. 95-31118 Filed 12-20-95; 8:45 am]

BILLING CODE 4910-59-P

**DEPARTMENT OF TREASURY****Internal Revenue Service****26 CFR Part 1**

[TD 8647]

RIN 1545-AS51

**Withholding of Tax on Dispositions of U.S. Real Property Interests by Foreign Persons**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to withholding upon certain distributions or dispositions of U.S. real property interests. These regulations reflect changes to the law

made by the Omnibus Budget Reconciliation Act of 1993 and affect withholding agents required to withhold tax due on certain dispositions and distributions of U.S. real property interests.

**DATES:** These final regulations are effective January 22, 1996. These regulations are applicable to transactions occurring after August 9, 1993.

**FOR FURTHER INFORMATION CONTACT:** Gwendolyn A. Stanley (202) 622-3860 (not a toll free-call).

**SUPPLEMENTARY INFORMATION:****Background**

This document contains final regulations reflecting changes made by the Omnibus Budget Reconciliation Act of 1993 to the withholding rates on certain distributions and dispositions of U.S. real property interests. These regulations were not preceded by a Notice of Proposed Rulemaking because the withholding rates were changed by the Act. This document also updates the address of the Assistant Commissioner (International) to whom various forms must be sent.

**Explanation of Provisions**

The rate of withholding under section 1445(e) (1) and (2) of the Internal Revenue Code was increased from 34% to 35% by the Omnibus Budget Reconciliation Act of 1993. The existing regulations reflect the prior 34% withholding rate. These regulations reflect the increase in withholding to 35% (or the highest rate specified in section 1445(e) (1) or (2)) for dispositions occurring on or after August 10, 1993.

**Special Analyses**

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these final regulations were submitted to the Small Business Administration for comment on their impact on small business.

**Drafting Information**

The principal author of these regulations is Gwendolyn Stanley, Office of Associate Chief Counsel

(International), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements. Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

**PART 1—INCOME TAXES**

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

Section 1.1445-5 also issued under 26 U.S.C. 1445(e)(6).

Section 1.1445-8 also issued under 26 U.S.C. 1445(e)(6). \* \* \*

Authority: 26 U.S.C. 7805. \* \* \*

Par. 2. In section 1.1445-1, the section heading and paragraph (g)(10) are revised to read as follows:

**§ 1.1445-1 Withholding on dispositions of U.S. real property interests by foreign persons: In general.**

\* \* \* \* \*

(g) \* \* \*

(10) *Address of the Assistant Commissioner International.* Any written communication directed to the Assistant Commissioner (International) is to be addressed as follows: Director, Philadelphia Service Center; 11601 Roosevelt Blvd.; Philadelphia, PA 19255; ATTN: Drop Point 543X.

Par. 3. Section 1.1445-5 is amended as follows:

1. Paragraph (c)(1)(ii) is revised.
2. The third sentence and the last sentence of paragraph (c)(1)(iii)(A) are revised.
3. Paragraph (c)(1)(iii)(B) is removed.
4. Paragraph (c)(1)(iii)(C) is redesignated as (c)(1)(iii)(B) and revised.
5. Paragraph (c)(1)(iv) is revised.
6. Paragraph (c)(3)(ii) is revised.
7. The first sentence of paragraph (d)(1) is revised.
8. The second sentence of paragraph (d)(1) is removed.

The revisions read as follows:

**§ 1.1445-5 Special rules concerning distributions and other transactions by corporations, partnerships, trusts, and estates.**

\* \* \* \* \*

(c)(1) \* \* \*

(ii) *Disposition by partnership.* A partnership must withhold a tax equal to 35 percent (or the highest rate specified in section 1445(e)(1)) of each foreign partner's distributive share of the gain realized by the partnership upon the disposition of each U.S. real