

technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–MSHA.

*Title of Collection:* Examinations and Testing of Electrical Equipment Including Examination, Testing, and Maintenance of High Voltage Longwalls.

*OMB Control Number:* 1219–0116.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 1,195.

*Total Estimated Number of Responses:* 550,280.

*Total Estimated Annual Time Burden:* 97,336 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: August 7, 2014.

**Michel Smyth,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, “Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 12, 2014.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201402-1235-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402-1235-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–

693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–WHD, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) Housing Occupancy Certificate information collection. Any person who owns or controls a facility or real property to be used for housing migrant agricultural workers cannot permit any such worker to occupy the housing unless a copy of a certificate of occupancy from the State, local, or Federal agency that conducted the housing safety and health inspection is posted at the site of the facility or real property. The certificate attests that the facility or real property meets applicable safety and health standards. The housing provider must retain original copy of the certificate for three years and make it available for inspection. Form WH–520 is the form used when the WHD inspects and approves such housing. MSPA section 203(b)(1) authorizes this information collection. See 29 U.S.C. 1823(b)(1).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5

CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1235–0006.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 20, 2014 (79 FR 15556).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1235–0006. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–WHD.

*Title of Collection:* Housing Occupancy Certificate—Migrant and Seasonal Agricultural Worker Protection Act.

*OMB Control Number:* 1235–0006.

*Affected Public:* Private Sector—farms.

*Total Estimated Number of Respondents:* 100.

*Total Estimated Number of Responses:* 100.

*Total Estimated Annual Time Burden:* 7 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: August 7, 2014.

**Michel Smyth,**

*Departmental Clearance Officer.*

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## OFFICE OF MANAGEMENT AND BUDGET

### Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice of revised guidance.

**SUMMARY:** On June 18, 2010, President Obama issued “Lobbyists on Agency Boards and Commissions,” a memorandum directing agencies and departments in the Executive Branch not to appoint or re-appoint federally registered lobbyists to advisory committees and other boards and commissions. The Presidential Memorandum further directed the Director of the Office of Management and Budget (OMB) to “issue proposed guidance designed to implement this policy to the full extent permitted by law.” The Presidential Memorandum is available at <http://www.whitehouse.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions>. OMB posted proposed guidance on November 2, 2010, and published final guidance on October 5, 2011. See 76 FR 61756. OMB is now issuing revised guidance regarding the prohibition against appointing or re-appointing federally registered lobbyists to clarify that the ban applies to persons serving on advisory committees, boards, and commissions in their individual capacity and does not apply if they are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments.

**DATES:** *Effective Date:* The Revised Guidance is effective immediately.

*Revised Guidance:* OMB’s Revised Guidance follows in the form of questions and answers:

**Q 1:** Who is affected by the policy directed in the June 18, 2010 Presidential Memorandum (the “Memorandum”)?

**A 1:** Under the Memorandum and this Revised Guidance, federally registered lobbyists may not serve on an advisory committee, board, or commission (hereinafter, “committee”) in an “individual capacity.” In this Revised Guidance, the term “individual capacity” refers to individuals who are appointed to committees to exercise their own individual best judgment on behalf of the government, such as when they are designated as Special Government Employees as defined in 18 U.S.C. 202. The lobbyist ban does not apply to lobbyists who are appointed in a “representative capacity,” meaning that they are appointed for the express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, or environmental groups, etc.), or state or local government. Appointing authorities already are required to clearly designate the role of committee members to assure their conformity with the applicable conflict of interest rules. See 41 CFR 102-3.105(h); see also 66 FR 37728, 37744 (July 19, 2001). Agencies should refer to guidance provided by the Office of Government Ethics regarding how to appropriately distinguish between “individual capacity” members (e.g., Special Government Employees) and “representative capacity” members when making committee appointments. See OGE, Federal Advisory Committee Appointments No. 05x4 (Aug. 18, 2005).

The lobbyist policy does not apply to individuals who are registered as lobbyists only at the state level. A lobbyist for purposes of the Memorandum is any individual who is subject to the registration and reporting requirements of the Lobbying Disclosure Act of 1995 (LDA), as amended (2 U.S.C. 1605), at the time of appointment or reappointment to a committee. Agencies may rely on appropriate searches of databases maintained by the House of Representatives and the Senate in identifying federally registered lobbyists.<sup>1</sup> Alternatively, agencies may consider including in their recruitment process for appointing members a way of obtaining written certification from

<sup>1</sup> Lobbying Disclosure, Office of the Clerk, U.S. House of Representatives: <http://lobbyingdisclosure.house.gov>; LDA Reports, U.S. Senate: [http://www.senate.gov/legislative/Public\\_Disclosure/LDA\\_reports.htm](http://www.senate.gov/legislative/Public_Disclosure/LDA_reports.htm).

the individual that he or she is not a federally registered lobbyist.

Any individual who previously served as a federally registered lobbyist may be appointed or re-appointed in an individual capacity only if he or she has either filed a bona fide de-registration or has been de-listed by his or her employer as an active lobbyist reflecting the actual cessation of lobbying activities or if they have not appeared on a quarterly lobbying report for three consecutive quarters as a result of their actual cessation of lobbying activities.

**Q 2:** Does the policy restrict the appointment of individuals who are themselves not federally registered lobbyists but are employed by organizations that engage in lobbying activities?

**A 2:** No, the policy established by the Memorandum applies only to individuals who are federally registered lobbyists and does not apply to individuals employed by organizations that lobby but are not so registered.

**Q 3:** What entities constitute “advisory committees and other boards and commissions” under the policy?

**A 3:** The policy directed in the Memorandum applies to any committee, board, commission, council, delegation, conference, panel, task force, or other similar group (or subgroup) created by the President, the Congress, or an Executive Branch department or agency to serve a specific function to which appointment is required, regardless of whether it is subject to the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Appointment includes that which is required or permitted by law or regulation, including appointment at the discretion of the department or agency. Additionally, the ban applies to established committee workgroups and subcommittees, which may or may not require formal appointment.

**Q 4:** Does the policy apply to non-Federal members of delegations to international bodies?

**A 4:** Yes, delegations organized to present the United States’ position to international bodies are considered to be committees for the purposes of this policy, regardless of whether they constitute advisory committees for purposes of the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Therefore, agencies should not appoint federally registered lobbyists to these delegations if the lobbyists are to serve in an individual capacity.