



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: Program Guidance Letter 90-3

Date: 6 APR 1990

From: Manager, Grants-in-Aid Division, APP-500

Reply to
Attn. of:

To: PGL Distribution List

90-3.1 PROGRAMMING AIP ILS's - ED WILLIAMS, (267-8827).

Several events have occurred which affect guidance in approving grants for ILS.

Section 331 of the DOT appropriation Act for 1990 allows sponsors to transfer ownership of ILS's purchased with AIP funds to FAA for operation and maintenance (Attachment A). AAF-1 has requested all AF divisions to respond with information on ILS's within their regions so that FAA may begin actions to accommodate these transfers (Attachment B).

A new Precision Approach Landing System policy was issued and appeared in the Federal Register December 27, 1989 (Attachment C). This supersedes and cancels the FAA MLS Transition Policy of May 1987. Incidentally, the last section of the new policy, entitled "Airport Improvement Fund (AIP) Systems" is in conflict with Section 331 (above) and requires revision.

The conference report language accompanying the FY 90 DOT Appropriation Act contained lists of place names for ILS under both the F&E and the AIP programs (Attachment D). For AIP, this language "directs" (rather than "give consideration to") FAA to allocate up to \$12 million to fund these ILS's.

These events have raised a number of questions from various FAA offices. An issue paper is underway in the Office of Aviation Policy to provide a more cohesive and comprehensive process for dealing with the variety of problems in the Operations, F&E and AIP program and budget areas.

Until the overall process is in place, there are several actions we can take to ensure the most effective use of grant program funds:

1. Selection of AIP funded ILS's in the FY 90 program will be in accordance with the new Precision Approach Landing System Policy (Attachment C) detailed under the heading "ILS Transition and Implementation Policy". Since approval lies with the Associate Administrator for Aviation Standards or the Administrator, (depending on the benefit/cost ratio), APP-500 will act as the focal point for all ILS or MLS grant requests. This would include all requests for AIP funded ILS, whether place-named or not.

2. Our January 5, 1990, letter on FY 1990 AIP discretionary funds has already asked for your input on the intent of the sponsors place-named under AIP and your best cost estimates. In order to more fully comply with the new policy both for place-named sponsors and any others who may request an AIP ILS, we have developed a draft format to collect necessary information and to provide a vehicle for headquarters coordination of all AIP ILS requests. A blank form is provided (Attachment E). Please prepare a form for each ILS for which you have received (or expect to receive) a sponsor request. Use the following ground rules:

a. We would like to receive data on all ILS's expected to be requested in FY 90 by April 30. If you have incomplete information by that time, send the best you have.

b. The project description should show the Category (I, II, III) whether a partial only (e.g., add glide slope), land acquisition, approach lighting, and any major airport construction needed to accommodate ILS (e.g., move taxiway or relocate VOR).

c. Cost estimate should reflect FAA approved specification hardware and installation costs (See paragraph 4 below). Costs under "Other" should be broken out only if significant and should be identified, e.g., ("\$800,000 to move taxiway"). Any further explanation needing a cost estimate should be made on the form under "Comments."

d. For new establishments, the benefit cost ratios will be prepared in headquarters. These are based in part on the terminal area forecasts for each airport. Please review these forecasts and, if you believe they should be adjusted, please provide new forecasts and justification for them.

e. Since the policy limits new ILS establishments to locations which have an immediate and critical need for precision approach, text should be prepared to establish that need. This will be particularly important for ILS's with a benefit cost ratio below 1.0. Ed Williams (FTS 267-8827) can provide a first-cut ratio for preliminary planning. If you

conclude that there is no immediate and critical need, please so state.

f. APP-500 will review the F&E ILS program for duplications, add any further information to the form and forward for management recommendations. We will also perform any coordination needed with other headquarters organizations before transmitting to AVS-1 or the Administrator for final approval/disapproval.

3. APP-500 will monitor all AIP ILS project requests and advise the regions of final approval or disapproval. Once regions are notified of approval, you may proceed to program the project using standard procedures. No ILS project grant should be awarded without full coordination with the regional AF division manager, and subsequent liaison with AF should be maintained throughout project accomplishment.

4. In answering inquiries from sponsors on the likelihood and timing of a grant for ILS, please advise them that headquarters is collecting data on all proposed locations so that national priorities may be established before any grants are awarded. Also, you may advise sponsors that FAA specifications must be used for any AIP-funded ILS to ensure compatibility for FAA operation and maintenance. These specifications should be obtained from the regional AF division. Cost estimates should reflect this requirement

90-3.2 Reimbursement for Costs to Acquire Land for Noise Compatibility - Ellis Ohnstad (267-8824).

In a memorandum dated 12/29/89, we expressed our concern that the FAA lacked the authority to issue grants for reimbursement of costs to acquire land for noise compatibility if those costs were incurred prior to June 1, 1989. After further study of the Airport and Airway Improvement Act and the Aviation Safety and Noise Abatement (ASNA) Act, we have concluded that the ASNA Act does provide such authority. Therefore, reimbursement for the cost of noise land acquired before, during or after the completion of the sponsor's Part 150 study is an eligible project, subject to the following criteria:

- Acquisition of noise land must be included as a measure which the airport sponsor has taken or proposes to take in the sponsor's FAR Part 150 noise compatibility program (NCP), and the Part 150 study must show evidence that the acquisition was justified for noise compatibility purposes;
- the land acquisition measures taken or proposed must be approved by the FAA as part of an approved NCP;

- the acquisition must have occurred after the date of enactment of the Aviation Safety and Noise Abatement Act (February 1, 1980); and
- the acquisition must have been accomplished in accordance with provisions of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act in effect at the time the land was acquired.

Note that the guidance in paragraph 701c of FAA Order 5100.38A regarding reimbursement of other noise compatibility project costs is unchanged.

The 1976 amendments to the Airport and Airway Development Act expanded the definition of Airport Development to include "any acquisition of land or of any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport." Reimbursement for the costs of acquiring such land between June 12, 1976, and September 30, 1981, therefore, is eligible as airport development as provided for in Section 513(a) (2) of the Airport and Airway Improvement Act of 1982.

90-3.3 Acquisition of Land by Private Airport Operators - Jim Trowbridge (267-8773).

Provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act specifying property appraisal requirements do not extend to owners of private airports who may receive AIP grants for land acquisition since private owners do not have right of eminent domain.

In order to ensure effective use of grant funds, land acquired by a private sponsor who requests or anticipates Federal reimbursement through an AIP grant must be appraised by a qualified real estate appraiser selected by the sponsor and approved by the FAA. Cost incurred for the appraisal are eligible grant costs.

FAA field offices shall review the appraisal and all pertinent documentation to determine whether the appraised value reached is reasonable. If the FAA review results in a lower figure, the grant offer shall be based on that figure, regardless of any higher cost incurred by the sponsor to acquire the land. The project file should reflect such determinations. If the acquisition cost is less than the final appraisal, the Federal share shall be based on the actual acquisition cost unless there is evidence that it was not an "open market transaction", i.e. a willing seller and a willing buyer.

92-3.4. Instructions on Taking a Specific Funding Year from a Letter of Intent to Grant - Angela Ferrari (267-8820)

Since the original Letter of Intent (LOI) was previously announced to the Congressional delegations, do not transmit another Form 5100-12, Proposed Award of Grant, or Form 5100-107, Airport Improvement Program, phase 2, when obligating funds in a specific funding year.

Transmit a Form 5100-107, phase 4, with the next consecutive project number for the airport site showing the AIP funds going to grant in the current fiscal year and all other data required for a phase 2 and 4 combined. (Your system will create a phase 2 which can be ignored.) In the justification block, please call to headquarters' attention that the grant project is part of an LOI allocation project and identify the original LOI using the last 4 digits of its project number (for example, L1-93).

At the same time, on the original LOI allocation project, reduce the same current fiscal year by the amount originally programmed and make adjustments in the future funding years if the amount going to grant is less or more than the amount originally programmed for that year (thus keeping the total amount of the LOI as originally announced).

90-3.5 Rule on Lobbying and Influencing Federal Employees - Mark Beisse (267-8826).

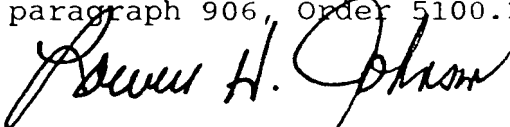
The interim final rule with new restrictions on lobbying and influencing Federal employees has been simultaneously established by 29 agencies. The rule was published in the Federal Register as 49 CFR 20 on February 26 by the Office of the Secretary (Attachment F), and it was effective on that date.

PGL 90-1.4 provided earlier guidance. The certification form contained in PGL 90-1.4 should be used by sponsors until we have incorporated appropriate language into the standard grant assurances and into the required Federal contract provisions.

We are required to submit a semi-annual compilation of any disclosure forms (not certification forms) received by FAA during the periods ending March 31 and September 30. For this, we will need a single copy of each disclosure form received, with the originals retained in regional files. To meet OST schedules, please submit these forms for the first period by May 1. These forms should be submitted by 15 days from the end of succeeding periods.

90-3.6 Intergovernmental Project Review - Mark Beisse
(267-8826).

A new list of State single points of contact for intergovernmental project review under Executive Order 12372 (Attachment G) has been prepared by Office of Management and Budget to reflect recent changes. No single point of contact is identified for the States of Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, and Virginia. However, absence of a State single point of contact does not relieve you of intergovernmental project review responsibilities described in paragraph 906, Order 5100.38A.


Lowell H. Johnson

Attachments

Canceled

PUBLIC LAW 101-164--NOV. 21, 1989

103 STAT. 1069

Public Law 101-164
101st Congress

An Act

Making appropriations for the Department of Transportation and related agencies
for the fiscal year ending September 30, 1990, and for other purposes.Nov. 21, 1989
[H.R. 3015]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes, namely:

Department of
Transportation
and Related
Agencies
Appropriations
Act, 1990.

TITLE I--DEPARTMENT OF TRANSPORTATION

property for other than airport purposes shall contain the right to overfly the property and the right to make noise.

SEC. 331. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment), the purchase of which was assisted by an airport improvement program grant. The Federal Aviation Administration shall accept such equipment and it shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

9 USC ap:
§205 note.

SEC. 332. Section 323 of the Department of Transportation and Related Agencies Appropriations Act, 1989 is hereby repealed.

102 Stat. 21
California.
Highways.

SEC. 333. Notwithstanding any other provision of law, the Secretary shall reimburse the State of California for the Federal share of the fair market value of right of way incorporated into one or



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Takeover of Airport Improvement Program (AIP) Funded Instrument Landing Systems (ILS) Date: JAN 29 1990

From: Associate Administrator for
Airway Facilities, AAF-1

Reply to
Attn. of:

To: All Regional Airway Facilities Divisions

The 1990 DOT Appropriation Act (P.L., Sec. 331) contains language that permits airports to transfer to the FAA ILS's (along with associated approach lighting equipment and runway visual range equipment), which were purchased with AIP funds. Several issues need to be addressed in order to carry out this transition smoothly and efficiently.

a. With the assistance of the Office of Airport Planning and Programming (APP), we have identified airports within your region that have full or partial ILS's which were funded under the AIP (Attachment 1). Please review the list for accuracy in coordination with the Regional Airports Division. Working in coordination with Airports Division personnel, Airway Facilities (AAF) representatives should contact the airport sponsor listed and determine if and when each plans to transfer ownership to FAA.

b. If the activity at a listed airport would qualify the ILS for decommissioning under Airway Planning Standard #1, the sponsor should be advised that the ownership transfer may result in such action. In this case, sponsors may wish to retain ownership and operating responsibility.

c. At each location where the airport sponsor chooses to transfer ownership to FAA, you should confirm whether the equipment has been approved for FAA use and determine whether the installation meets FAA Facilities and Equipment (F&E) design standards. Funding requirements for those installations and equipments that will require significant modification to meet F&E standards should be included in Attachment 2.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Precision Approach Landing Systems Policy

AGENCY: Federal Aviation Administration (FAA).

ACTION: Precision Approach Landing Systems Policy.

The FAA is transitioning from the Instrument Landing System (ILS) to the Microwave Landing System (MLS) for precision approach service in the National Airspace System (NAS). As a participant in the international implementation of MLS technology, the FAA will replace the nearly 50-year-old ILS technology in the NAS. Under international agreement, the United States must provide MLS service equivalent to ILS at all United States international runways by January 1, 1998. International ILS precision approach service is protected by international agreement through January 1, 1998, and may be retained optionally through January 1, 2000.

Precision approach guidance systems installed and operated at qualified locations are considered critical components of the NAS. The policy of the FAA is to install and operate MLS as the future primary precision approach guidance system in the NAS. Under some circumstances, alternative precision approach guidance systems (e.g., ILS) may be authorized. FAA may install ILS's to meet critical NAS requirements; replace systems that have exceeded their useful service life; and provide service at locations with critical safety needs; until ILS/MLS parity is reached and MLS transition begins.

MLS implementation shall minimize the need for users to install dual avionics. FAA ILS/MLS transition shall ensure that critical precision approach service is provided as needed, but shall not require user MLS avionic equipage until all Airway Planning Standard Number One (FAA Order 7031.2C) qualified runways are also equipped with MLS. Initially, most new MLS's will be collocated with an ILS. However, some MLS's will be sited at qualified locations that do not currently have precision approach service for purposes of satisfying aeronautical need.

This policy supersedes the FAA MLS transition policy dated May 16, 1987.

FOR FURTHER INFORMATION CONTACT:

The Office of Aviation Policy and Plans (APO), 800 Independence Avenue, SW., Washington, DC 20591.

MLS Transition and Implementation

• The priority for implementation of MLS shall be as follows:

1. At locations to meet MLS Evaluation Program objectives.
2. On international runways to provide MLS precision approach service equivalent to ILS and satisfy the United States commitment to the International Civil Aviation Organization (ICAO), and
3. On qualified runways with existing ILS service to attain ILS/MLS parity; to transition to MLS; and to begin ILS decommissioning. These installations shall be prioritized by benefit-to-cost ratio with those locations with the highest benefit-to-cost ratios installed first.

• The transition policy of the FAA is to install MLS, without decommissioning any ILS, until ILS/MLS parity is reached.

• When ILS/MLS parity is achieved, a fixed termination date and transition plan shall be established by the FAA for the decommissioning of all United States ILS's. The termination date shall be fixed with enough transition time to allow users adequate time to equip their aircraft with MLS avionics.

• In consultation with the Associate Administrator for Aviation Standards, the MLS program manager shall approve MLS locations for purposes of the MLS Economic and Operational Evaluation Program. This program is a series of nine projects to evaluate and demonstrate the operation and economic benefits of nationwide implementation. This evaluation has been recommended by Congress, GAO, and the Inspector General and directed by the Secretary.

ILS Transition and Implementation Policy

• Implementation of "new establish" ILS's should be limited to those locations that have an immediate and critical requirement for precision approach service that cannot be delayed until MLS is deployed; e.g., new runways, capacity enhancement at existing locations, an immediate and critical safety need, and those systems for which supply support can no longer be provided by the depot. These locations shall be approved by the

Associate Administrator for Aviation Standards for locations that meet or exceed a benefit-to-cost ratio of 1.0 and by the Administrator for all other locations.

• Implementation of replacement systems shall be limited to those locations and systems that have a net economic benefit for such replacement (considering the time between the availability of the new systems and the likely availability of MLS systems). This shall include emergency replacement systems. These locations shall be approved by the Associate Administrator for Airway Facilities.

FAR Part 171 Systems

• Systems purchased under Part 171 of the Federal Aviation Regulations (14 CFR Part 171) may be transferred to the Federal Government for ownership and maintenance, if the systems meet the following eligibility criteria required for Federal systems:

1. The systems are identical to those in the FAA inventory and have remote

maintenance monitoring (RMM) capability, and

2. The FAA agrees to accept such responsibility based upon the availability of technical manpower, repair parts, supplies, the role the facility plays in the NAS, etc.

Airport Improvement Fund (AIP) Systems

• Precision approach systems purchased using AIP Funds (on a 75/25 sharing basis) shall only be eligible for maintenance by the Federal Government under a reimbursable agreement if the following criteria are met:

1. The systems are identical to those in the FAA inventory and have RMM capability, and

2. The FAA agrees to accept such responsibility based upon the availability of technical manpower, repair parts, supplies, the role the facility plays in the NAS, etc., and

3. A reimbursable agreement is completed for the purpose of maintenance through a Memorandum of Agreement prior to the time that the precision approach system is purchased by the sponsor.

Issued in Washington, DC, on December 6, 1989.

James B. Busey,

Administrator.

[FR Doc. 89-29964 Filed 12-26-89; 8:45 am]

BILLING CODE 4910-13-M

AIRPORT IMPROVEMENT PROGRAM
FUNDED ILS LOCATIONS SUMMARY

<u>Location</u>	<u>FY</u>	<u>Description</u>	<u>Fedshare</u>
<u>Eastern Region</u>			
Washington County, PA	FY-87	CAT I	\$.718
Danville, VA	FY-87	Partial (MM/GS)	.282
Indiana County/ Jimmy Stewart, PA	FY-88	Partial (Loc)	.810
<u>Central Region</u>			
Kansas City/ Downtown, MO	FY-87	Partial (GS)	.117
<u>Great Lakes Region</u>			
Clark County, IN	FY-87	CAT I	1.053
Kenosha, WI	FY-87	CAT I	.440
Outagamie County, Appleton, WI	FY-88	CAT I	.900
St. Claire, Port Huron, MI	FY-88	CAT I	1.389
Indianapolis, IN	FY-89	CAT I/III	3.304
Cleveland, OH	FY-87	Partial (GS)	.131
<u>New England Region</u>			
Millinocket, ME	FY-82	Partial (Loc)	.255
<u>NW Mountain Region</u>			
Front Range, Denver, CO	FY-87	CAT I	.623
Newport, OR	FY-88	CAT I	.981
Salt Lake City	FY-89	CAT III	2.000
<u>Southern Region</u>			
Orlando, FL	FY-89	CAT III	1.313
Memphis, TN	FY-89	CAT III	2.846
Nashville, TN	FY-89	CAT I/III	4.353
Covington, KY (Cincinnati)	FY-89	CAT I/III	2.700
Hilton Head Is, SC	FY-88	Partial (Loc)	.328
<u>Southwest Region</u>			
Conroe, TX	FY-87	CAT I	.745
McKinney, TX	FY-87	CAT I	.860
Rogers, AR	FY-88	CAT I	1.345
Las Cruces, NM	FY-88	CAT I	.977

TAKEOVER OF AIP-FUNDED ILS'S

STAFFING AND FUNDING REQUIREMENTS

FY-90

FY-91

STAFFING REQUIREMENTS

Positions

FTE's

FUNDING REQUIREMENTS

(By Subobject Class*)

*Include all costs associated with assuming responsibility for the FAA operation and maintenance of the AIP-funded ILS's; i.e., salaries, benefits, travel, training, spare parts, etc.

NOTE: FY-92 requirements should be included in the response to the FY-92 Call for Estimates.

FACILITIES AND EQUIPMENT (CONT)

Location	Conf. Rpt.	S. Rpt.	H. Rpt
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System Capacity Initiatives- New ILS:

Bessemer, AL	X	X	
Chicago O'Hare, IL (2)		X	
Dayton, OH			X
Detroit, MI	X	X	
Elkhart, IN	X	X	
Huntsville, AL			X
Miami, FL	X		X
Natchez-Adams County, MS	X	X	
Newark, NJ		X	
Olathe, KS		X	
Ogden-Hinckley, UT	X	X	
Pittsburgh, PA			X
Portland, ME	X	X	X
Portland, OR			X
Raleigh-Durham, NC (3)	X		X
Richmond, VA			X
St. Louis, MO	X		X
Syracuse, NY	X	X	X
West Memphis, AR	X	X	
Worster, MA	X		X

AIRPORT IMPROVEMENT PROGRAMNew ILS Locations:

Brookings, SD	X	X	
Brookley, AL	X	X	X
Connersville, IN			X
Elkhart Municipal, IN			X
Flagstaff, AZ	X		
Goodwin Field, AR (glideslope)			X
Great Bend, KS	X	X	
Lanai, HI	X	X	
Lawrence, KS	X	X	
Mitchell, SD	X	X	
Newton, IA	X	X	
Ogden Municipal, UT			X
Olathe Executive, KS	X		
Ponca City, OK	X	X	
Spencer, IA	X	X	
Stillwater, OK	X	X	

AIP Grant Request for ILS

Location Congressional Place Named Yes No

Project Description

Cost Estimate ILS \$ _____
 RVR _____
 Lighting System _____
 Other _____
 Total \$ _____ Fed Share \$ _____

Justification Based On:

New Runway Capacity Enhancement Safety Other None

Justification for Immediate and Critical Need

Comments

Recommend Approval
 Yes No

 Executive Director for Regulatory
 Standards and Compliance

 Executive Director for System Dev.

 Executive Director for System Oper.

 Associate Administrator for
 Aviation Standards

☐ Approved ☐ Not approved

 Administrator

☐ Approved ☐ Not approved

Monday
February 26, 1990

Part III

New Restrictions on Lobbying; Interim Final Rule

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Energy
Department of Health and Human Services
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Department of Veterans Affairs

ACTION

International Development Cooperation Agency
Agency for International Development
Environmental Protection Agency
Export-Import Bank of the United States
Federal Emergency Management Agency
General Services Administration
National Aeronautics and Space Administration
National Foundation on the Arts and the Humanities
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
Overseas Private Investment Corporation
Peace Corps
Small Business Administration
Tennessee Valley Authority
United States Information Agency

DEPARTMENT OF AGRICULTURE

7 CFR PART 3018

DEPARTMENT OF ENERGY

10 CFR PARTS 600 AND 601

EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR PART 411

SMALL BUSINESS ADMINISTRATION

13 CFR PART 146

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR PART 1271

DEPARTMENT OF COMMERCE

15 CFR PART 28

TENNESSEE VALLEY AUTHORITY

18 CFR PART 1315

DEPARTMENT OF STATE

22 CFR PART 138

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR PART 227

PEACE CORPS

22 CFR PART 311

UNITED STATES INFORMATION AGENCY

22 CFR PART 519

OVERSEAS PRIVATE INVESTMENT CORPORATION

22 CFR PART 712

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR PART 87

DEPARTMENT OF JUSTICE

28 CFR PART 69

DEPARTMENT OF LABOR

29 CFR PART 93

DEPARTMENT OF THE TREASURY

31 CFR PART 21

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR PART 282

DEPARTMENT OF EDUCATION

34 CFR PART 82

DEPARTMENT OF VETERANS AFFAIRS

38 CFR PART 45

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 34

GENERAL SERVICES ADMINISTRATION

41 CFR PART 105-69

DEPARTMENT OF THE INTERIOR

43 CFR PART 18

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 18

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR PART 93

NATIONAL SCIENCE FOUNDATION

45 CFR PART 604

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR PART 1158

National Endowment for the Humanities

45 CFR PART 1168

ACTION

45 CFR PART 1230

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR PART 20

New Restrictions on Lobbying

AGENCIES: Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs; **ACTION,** Agency for International Development, Environmental Protection Agency, Export-Import Bank of the United States, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Overseas

Private Investment Corporation, Peace Corps, Small Business Administration, Tennessee Valley Authority and United States Information Agency.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule is in response to section 319 of Public Law 101-121. Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract grant, cooperative agreement, loan, or a Federal commitment to insure or guarantee a loan, must disclose lobbying.

DATES: OMB's interim final governmentwide guidance was effective December 23, 1989; this rule is effective February 26, 1990, except for the Department of Education. For the Department of Education effective date, see the agency specific preamble below. Comments must be in writing and must be received by April 27, 1990. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to the Office of Management and Budget, 10300 New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: See agency-specific preambles for the contact person for each agency.

SUPPLEMENTARY INFORMATION:**A. Background**

On October 23, 1989, the president signed into law the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 ("the Act"). Section 319 of the Act amended title 31, United States Code, by adding a new section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions." Section 1352 took effect with respect to Federal contracts, grants, loans, cooperative agreements, loan insurance commitments, and loan guarantee commitments that were or are entered into more than 60 days after the date of the enactment of the Act, i.e., December 23, 1989.

Section 1352 required the Director of the Office of Management and Budget (OMB) to issue governmentwide guidance for agency implementation of, and compliance with, the requirements of this section. The Conference Report

indicated that the conferees "expect that all agencies shall expeditiously promulgate regulations to implement the requirements of this section, and that all such regulations shall be uniform and shall comply with the government-wide guidance issued by the Office of Management and Budget pursuant to paragraph (b)(7). Also, major agencies, as designated by OMB, shall issue a common rule complying with the guidance issued by OMB."

On December 18, 1989, OMB issued interim final governmentwide guidance. This guidance was published on December 20, 1989 [54 FR 52306-52332]. In OMB's guidance, the following 29 major agencies were identified: Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs; ACTION, Agencies for International Development, Environmental Protection Agency, Export-Import Bank of the United States, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Overseas Private Investment Corporation, Peace Corps, Small Business Administration, Tennessee Valley Authority and United States Information Agency.

A second interim final common rule, part of the Federal Acquisition Regulation (FAR), for most contracts was published on January 30, 1990 (55 FR 3190). The FAR rule, this common rule, and OMB's interim final guidance will share a public docket. The final versions of all three will be published simultaneously.

Submission of Appendix A, Certification for Contracts, Grants, Loans, and Cooperative Agreements or Statement for Loan Guarantees and Loan Insurance, does not bind the Federal Government to award a contract, grant, loan, or cooperative agreement, or to make a commitment for a loan guarantee or loan insurance.

B. Regulatory Process Matters

This rule is not a major rule under Executive Order 12291. The Act requires certifications and disclosures to be made by all types of entities, including State agencies. For this reason, the agencies have determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 12612.

As a statutory matter, this rule applies to all entities, regardless of size.

The agencies find that publishing a notice of proposed rulemaking on this matter would be impracticable, unnecessary, and contrary to the public interest, since it would prevent compliance with the statutory deadline (60 days from the statute's date of enactment) for issuance of OMB's governmentwide guidance and the governmentwide effective date.

Consequently, this rule is published as an interim final rule. As an interim final rule, this regulation is fully in effect and binding. No further regulatory action by the agencies is essential to the legal effectiveness of the rule. In order to benefit from comments that interested parties and the public may make however, the agencies will keep the rulemaking docket open for 60 days. Comments are invited, on all portions of the rulemaking, through April 27, 1990. Following the close of the comment period, OMB and the agencies will respond to the comments and, if appropriate, amend provisions of OMB's governmentwide guidance and this rule.

C. Paperwork Reduction Act

This rule contains information collection requirements subject to the Paperwork Reduction Act. A Paperwork Reduction Act emergency approval was requested by OMB pursuant to 44 U.S.C. 3507(g) and 5 CFR 1320.18 and was granted under OMB control number 0348-0046. OMB estimates the reporting burden for this information collection to average 30 minutes per response. The time necessary for filing the first disclosure may differ from that for the subsequent disclosures. However, in the absence of experience with such reporting, OMB does not have sufficient data to determine the universe of total covered Federal actions or the volume of activity that will be affected by this rule. Therefore, an estimate of the total burden of this information collection requirement is not provided at this time. Public comment is requested to assist in accurately estimating the burden of this information collection, including: (1) Estimates of the amount of time required to comply with this reporting requirement, (2) estimates of the number of expected disclosure reports, and (3) the basis for these estimates.

Text of the Common Rule

The text of the common rule, as adopted by the agencies in this document, appears below.

PART _____—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

- Sec.
- _____.100 Conditions on use of funds.
 - _____.105 Definitions.
 - _____.110 Certification and disclosure.

Subpart B—Activities by Own Employees

- _____.200 Agency and legislative liaison.
- _____.205 Professional and technical services.
- _____.210 Reporting.

Subpart C—Activities by Other than Own Employees

- _____.300 Professional and technical services.

Subpart D—Penalties and Enforcement

- _____.400 Penalties.
- _____.405 Penalty procedures.
- _____.410 Enforcement.

Subpart E—Exemptions

- _____.500 Secretary of Defense.

Subpart F—Agency Reports

- _____.600 Semi-annual compilation.
- _____.605 Inspector General report.

Appendix A to Part _____—Certification Regarding Lobbying

Appendix B to Part _____—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); [citation to Agency rulemaking authority].

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

Subpart A—General

§._____.100 Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) Each person who requests or receives from an agency a Federal contract, grant, loan, or cooperative agreement shall file with that agency a certification, set forth in Appendix A, that the person has not made, and will not make, any payment prohibited by paragraph (a) of this section.

(c) Each person who requests or receives from an agency a Federal contract, grant, loan, or a cooperative agreement shall file with that agency a disclosure form, set forth in Appendix B, if such person has made or has agreed to make any payment using nonappropriated funds (to include profits from any covered Federal action), which would be prohibited under paragraph (a) of this section if paid for with appropriated funds.

(d) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a statement, set forth in Appendix A, whether that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.

(e) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a disclosure form, set forth in Appendix B, if that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or guarantee.

§ 105 Definitions.

For purposes of this part:

(a) *Agency*, as defined in 5 U.S.C. 552(f), includes Federal executive departments and agencies as well as independent regulatory commissions and Government corporations, as defined in 31 U.S.C. 9101(1).

(b) *Covered Federal action* means any of the following Federal actions:

- (1) The awarding of any Federal contract;
- (2) The making of any Federal grant;
- (3) The making of any Federal loan;
- (4) The entering into of any cooperative agreement; and,
- (5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Covered Federal action does not include receiving from an agency a commitment providing for the United States to insure or guarantee a loan. Loan guarantees and loan insurance are addressed independently within this part.

(c) *Federal contract* means an acquisition contract awarded by an agency, including those subject to the Federal Acquisition Regulation (FAR),

and any other acquisition contract for real or personal property or services not subject to the FAR.

(d) *Federal cooperative agreement* means a cooperative agreement entered into by an agency.

(e) *Federal grant* means an award of financial assistance in the form of money, or property in lieu of money, by the Federal Government or a direct appropriation made by law to any person. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, loan insurance, interest subsidies, insurance, or direct United States cash assistance to an individual.

(f) *Federal loan* means a loan made by an agency. The term does not include loan guarantee or loan insurance.

(g) *Indian tribe and tribal organization* have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450B). Alaskan Natives are included under the definitions of Indian tribes in that Act.

(h) *Influencing or attempting to influence* means making, with the intent to influence, any communication to or appearance before an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.

(i) *Loan guarantee and loan insurance* means an agency's guarantee or insurance of a loan made by a person.

(j) *Local government* means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.

(k) *Officer or employee of an agency* includes the following individuals who are employed by an agency:

- (1) An individual who is appointed to a position in the Government under title 5, U.S. Code, including a position under a temporary appointment;
- (2) A member of the uniformed services as defined in section 101(3), title 37, U.S. Code;
- (3) A special Government employee as defined in section 202, title 18, U.S. Code; and,
- (4) An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, title 5, U.S. Code appendix 2.

(l) *Person* means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit or not for profit. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(m) *Reasonable compensation* means, with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.

(n) *Reasonable payment* means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.

(o) *Recipient* includes all contractors, subcontractors at any tier, and subgrantees at any tier of the recipient of funds received in connection with a Federal contract, grant, loan, or cooperative agreement. The term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.

(p) *Regularly employed* means, with respect to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or a commitment providing for the United States to insure or guarantee a loan, an officer or employee who is employed by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract, grant, loan, cooperative agreement, loan insurance commitment, or loan guarantee commitment. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.

(q) *State* means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or

interstate entity having governmental duties and powers.

§ _____.110 Certification and disclosure.

(a) Each person shall file a certification, and a disclosure form, if required, with each submission that initiates agency consideration of such person for:

(1) Award of a Federal contract, grant, or cooperative agreement exceeding \$100,000; or

(2) An award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000.

(b) Each person shall file a certification, and a disclosure form, if required, upon receipt by such person of:

(1) A Federal contract, grant, or cooperative agreement exceeding \$100,000; or

(2) A Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding \$150,000, unless such person previously filed a certification, and a disclosure form, if required, under paragraph (a) of this section.

(c) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraphs (a) or (b) of this section. An event that materially affects the accuracy of the information reported includes:

(1) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

(2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or,

(3) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

(d) Any person who requests or receives from a person referred to in paragraphs (a) or (b) of this section:

(1) A subcontract exceeding \$100,000 at any tier under a Federal contract;

(2) A subgrant, contract, or subcontract exceeding \$100,000 at any tier under a Federal grant;

(3) A contract or subcontract exceeding \$100,000 at any tier under a Federal loan exceeding \$150,000; or,

(4) A contract or subcontract exceeding \$100,000 at any tier under a Federal cooperative agreement,

shall file a certification, and a disclosure form, if required, to the next tier above.

(e) All disclosure forms, but not certifications, shall be forwarded from tier to tier until received by the person referred to in paragraphs (a) or (b) of this section. That person shall forward all disclosure forms to the agency.

(f) Any certification or disclosure form filed under paragraph (e) of this section shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation and shall not be shared by any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by section 1352, title 31, U.S. Code.

(g) For awards and commitments in process prior to December 23, 1989, but not made before that date, certifications shall be required at award or commitment, covering activities occurring between December 23, 1989, and the date of award or commitment. However, for awards and commitments in process prior to the December 23, 1989 effective date of these provisions, but not made before December 23, 1989, disclosure forms shall not be required at time of award or commitment but shall be filed within 30 days.

(h) No reporting is required for an activity paid for with appropriated funds if that activity is allowable under either Subpart B or C.

Subpart B—Activities by Own Employees

§ _____.200 Agency and legislative liaison.

(a) The prohibition on the use of appropriated funds, in § _____.100 (a), does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.

(b) For purposes of paragraph (a) of this section, providing any information specifically requested by an agency or Congress is allowable at any time.

(c) For purposes of paragraph (a) of this section, the following agency and legislative liaison activities are allowable at any time only where they are not related to a specific solicitation for any covered Federal action:

(1) Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities; and,

(2) Technical discussions and other activities regarding the application or adaptation of the person's products or services for an agency's use.

(d) For purposes of paragraph (a) of this section, the following agencies and legislative liaison activities are allowable only where they are prior to formal solicitation of any covered Federal action:

(1) Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

(2) Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,

(3) Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95-507 and other subsequent amendments.

(e) Only those activities expressly authorized by this section are allowable under this section.

§ _____.205 Professional and technical services.

(a) The prohibition on the use of appropriated funds, in § _____.100 (a), does not apply in the case of a payment of reasonable compensation made to an officer or employee of a person requesting or receiving a Federal contract, grant, loan, or cooperative agreement or an extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) For purposes of paragraph (a) of this section, "professional and technical services" shall be limited to advice and analysis directly applying any professional or technical discipline. For example, drafting of a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of

a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(c) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(d) Only those services expressly authorized by this section are allowable under this section.

§ ____ 210 Reporting.

No reporting is required with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

Subpart C—Activities by Other Than Own Employees

§ ____ 300 Professional and technical services.

(a) The prohibition on the use of appropriated funds, in § ____ 100 (a), does not apply in the case of any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action, if the payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal contract, grant, loan, or cooperative agreement or for meeting requirements

imposed by or pursuant to law as a condition for receiving that Federal contract, grant, loan, or cooperative agreement.

(b) The reporting requirements in § ____ 110 (a) and (b) regarding filing a disclosure form by each person, if required, shall not apply with respect to professional or technical services rendered directly in the preparation, submission, or negotiation of any commitment providing for the United States to insure or guarantee a loan.

(c) For purposes of paragraph (a) of this section, "professional and technical services" shall be limited to advice and analysis directly applying any professional or technical discipline. For example, drafting or a legal document accompanying a bid or proposal by a lawyer is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission or negotiation of a covered Federal action.

(d) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation, or reasonably expected to be required by law or regulation, and any other requirements in the actual award documents.

(e) Persons other than officers or employees of a person requesting or receiving a covered Federal action include consultants and trade associations.

(f) Only those services expressly authorized by this section are allowable under this section.

Subpart D—Penalties and Enforcement

§ ____ 400 Penalties.

(a) Any person who makes an expenditure prohibited herein shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

(b) Any person who fails to file or amend the disclosure form (see Appendix B) to be filed or amended if required herein, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(c) A filing or amended filing on or after the date on which an administrative action for the imposition of a civil penalty is commenced does not prevent the imposition of such civil penalty for a failure occurring before that date. An administrative action is commenced with respect to a failure when an investigating official determines in writing to commence an investigation of an allegation of such failure.

(d) In determining whether to impose a civil penalty, and the amount of any such penalty, by reason of a violation by any person, the agency shall consider the nature, circumstances, extent, and gravity of the violation, the effect on the ability of such person to continue in business, any prior violations by such person, the degree of culpability of such person, the ability of the person to pay the penalty, and such other matters as may be appropriate.

(e) First offenders under paragraphs (a) or (b) of this section shall be subject to a civil penalty of \$10,000, absent aggravating circumstances. Second and subsequent offenses by persons shall be subject to an appropriate civil penalty between \$10,000 and \$100,000, as determined by the agency head or his or her designee.

(f) An imposition of a civil penalty under this section does not prevent the United States from seeking any other remedy that may apply to the same conduct that is the basis for the imposition of such civil penalty.

§ ____ 405 Penalty procedures.

Agencies shall impose and collect civil penalties pursuant to the provisions of the Program Fraud and Civil Remedies Act, 31 U.S.C. sections 3803 (except subsection (c)), 3804, 3805, 3806, 3807, 3808, and 3812, insofar as these

provisions are not inconsistent with the requirements herein.

§ ____ 410 Enforcement.

The head of each agency shall take such actions as are necessary to ensure that the provisions herein are vigorously implemented and enforced in that agency.

Subpart E—Exemptions

§ ____ 500 Secretary of Defense.

(a) The Secretary of Defense may exempt, on a case-by-case basis, a covered Federal action from the prohibition whenever the Secretary determines, in writing, that such an exemption is in the national interest. The Secretary shall transmit a copy of each such written exemption to Congress immediately after making such a determination.

(b) The Department of Defense may issue supplemental regulations to implement paragraph (a) of this section.

Subpart F—Agency Reports

§ ____ 600 Semi-annual compilation.

(a) The head of each agency shall collect and compile the disclosure reports (see Appendix B) and, on May 31 and November 30 of each year, submit to the Secretary of the Senate and the Clerk of the House of Representatives a report containing a compilation of the information contained in the disclosure reports received during the six-month period ending on March 31 or September 30, respectively, of that year.

(b) The report, including the compilation, shall be available for public inspection 30 days after receipt of the report by the Secretary and the Clerk.

(c) Information that involves intelligence matters shall be reported only to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(d) Information that is classified under Executive Order 12356 or any successor order shall be reported only to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives or the Committees on Armed Services of the Senate and the House of Representatives (whichever such committees have jurisdiction of matters involving such information) and to the Committees on Appropriations of the

Senate and the House of Representatives in accordance with procedures agreed to by such committees. Such information shall not be available for public inspection.

(e) The first semi-annual compilation shall be submitted on May 31, 1990, and shall contain a compilation of the disclosure reports received from December 23, 1989 to March 31, 1990.

(f) Major agencies, designated by the Office of Management and Budget (OMB), are required to provide machine-readable compilations to the Secretary of the Senate and the Clerk of the House of Representatives no later than with the compilations due on May 31, 1991. OMB shall provide detailed specifications in a memorandum to these agencies.

(g) Non-major agencies are requested to provide machine-readable compilations to the Secretary of the Senate and the Clerk of the House of Representatives.

(h) Agencies shall keep the originals of all disclosure reports in the official files of the agency.

§ ____ 605 Inspector General report.

(a) The Inspector General, or other official as specified in paragraph (b) of this section, of each agency shall prepare and submit to Congress each year, commencing with submission of the President's Budget in 1991, an evaluation of the compliance of that agency with, and the effectiveness of, the requirements herein. The evaluation may include any recommended changes that may be necessary to strengthen or improve the requirements.

(b) In the case of an agency that does not have an Inspector General, the agency official comparable to an Inspector General shall prepare and submit the annual report, or, if there is no such comparable official, the head of the agency shall prepare and submit the annual report.

(c) The annual report shall be submitted at the same time the agency submits its annual budget justifications to Congress.

(d) The annual report shall include the following: All alleged violations relating to the agency's covered Federal actions during the year covered by the report, the actions taken by the head of the agency in the year covered by the report with respect to those alleged violations and alleged violations in previous years, and the amounts of civil penalties imposed by the agency in the year covered by the report.

Appendix A to Part ____ Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil

penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**Appendix B to Part _____—Disclosure
Form to Report Lobbying**

BILLING CODES 3410-01-M; 6450-01-M; 6690-01-M;
8025-01-M; 7510-01-M; 3510-FE-M; 8120-01-M; 4710-
24-M; 6115-01-M; 6050-01-M; 8230-01-M; 3210-01-M;
4210-32-M; 4410-18-M; 4610-23-M; 4810-25-M; 3800-01-
M; 4000-01-M; 3820-01-M; 6560-50-M; 6820-61-M; 4310-
RF-M; 6718-01-M; 4150-04-M; 7555-01-M; 7537-01-M;
7535-01-M; 6050-28-M; 4810-62-M

Canceled

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: _____			5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
(attach Continuation Sheet(s) SF-LLL-A, if necessary)					
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned			13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____		
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____					
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)					
15. Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input type="checkbox"/> No					
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only:			Authorized for Local Reproduction Standard Form - LLL		

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0148-0046

Reporting Entity: _____

Page _____ of _____

Canceled

BILLING CODES 3410-01-C; 6450-01-C; 6690-01-C;
8025-01-C; 7510-01-C; 3510-FE-C; 8120-01-C; 4710-24-
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32-C; 4410-18-C; 4510-23-C; 4810-25-C; 3801-01-C;
4000-01-C; 3820-01-C; 6560-50-C; 6820-61-C; 4310-RF-
C; 6718-01-C; 4150-04-C; 7555-01-C; 7537-01-C; 7536-
01-C; 6050-28-C; 4910-62-C

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Adoption of the Common Rule

The agency specific preambles adopting the text of the common rule appear below.

DEPARTMENT OF AGRICULTURE**7 CFR Part 3018**

FOR FURTHER INFORMATION CONTACT: Joseph J. Daragan, 202-447-5729 or Tresa Matthews, 202-382-8978.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Title IV, section 401 of the Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, enacted December 15, 1989, amended the Housing Act of 1949, 42 U.S.C. 1471, to add a new section 536 regarding Accountability in Awards of Assistance; Remedies and Penalties under the Rural Housing Program. Among other things, section 536 requires any person engaged for monetary consideration or for any consideration for the purpose of attempting to influence any award or allocation of assistance to register with the Secretary of Agriculture and to disclose such purposes and consideration received for the duration of the activity.

When implemented as a final rule, the requirements of section 401 will be set forth in 7 CFR part 1944. It is the intention of the Department to reconcile, at that time, the sometimes parallel requirements of today's rule and the upcoming revisions to 7 CFR part 1944.

List of Subjects in 7 CFR Part 3018

Contract programs, Grant programs, Loan programs, Lobbying.

Title 7 of the Code of Federal Regulations is amended as set forth below.

Jack C. Parnell,
Deputy Secretary of Agriculture.

Part 3018 is added to read as set forth at the end of the common preamble.

PART 3018—NEW RESTRICTIONS ON LOBBYING**Subpart A—General****Sec.**

- 3018.100 Conditions on use of funds.
- 3018.105 Definitions.
- 3018.110 Certification and disclosure.

Subpart B—Activities by Own Employees

- 3018.200 Agency and legislative liaison.
- 3018.205 Professional and technical services.
- 3018.210 Reporting.

Subpart C—Activities by Other Than Own Employees

- 3018.300 Professional and technical services.

Subpart D—Penalties and Enforcement

- 3018.400 Penalties.
- 3018.405 Penalty procedures.
- 3018.410 Enforcement.

Subpart E—Exemptions

- 3018.500 Secretary of Defense.

Subpart F—Agency Reports

- 3018.600 Semi-annual compilation.
- 3018.605 Inspector General report.

Appendix A to Part 3018—Certification Regarding Lobbying**Appendix B to Part 3018—Disclosure Form to Report Lobbying**

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 5 U.S.C. 301.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF ENERGY**10 CFR Parts 600 and 601**

FOR FURTHER INFORMATION CONTACT: Howard K. Mitchell, (202) 586-8190.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Because the New Restrictions on Lobbying, contained in section 319 of Public Law 101-121, also apply to other nonprocurement transactions not covered in 10 CFR part 600 (grants and cooperative agreements), the Department of Energy (DOE) is implementing the common rule in a new part, 10 CFR part 601. Since nearly all of DOE nonprocurement applicants and awardees are subject to 10 CFR part 600, a new § 600.34 is also being included to reference the requirements of this common rule.

List of Subjects**10 CFR Part 600**

Financial assistance rules.

10 CFR Part 601

Contract programs, Grant programs, Loan programs, Lobbying.

Title 10 of the Code of Federal Regulations is amended as set forth below.

Berton J. Roth,

Director, Directorate of Procurement and Assistance Management.

PART 600—FINANCIAL ASSISTANCE RULES

1. The authority citation of part 600 continues to read as follows:

Authority: Secs. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 97-258, 96 Stat. 1003-1005 (31 U.S.C. 6301-6308).

2. A new § 600.34 is added as set forth below.

§ 600.34 New restrictions on lobbying.

Each DOE solicitation involving a new Federal commitment in excess of \$100,000 shall provide a full text copy of the certification requirement set forth in appendix A of 10 CFR part 601 and Disclosure of Lobbying Activities Standard Form—LLL. DOE Contracting Officers shall assure that any award in excess of the \$100,000 threshold shall contain, as a term and condition of award, the requirement to comply with the certification and disclosure provision of 10 CFR 601.110. Upon receipt, the original copy of each disclosure form shall be kept with the official award file. One copy of each form shall be forwarded to the Director or designee.

3. Part 601 is added to read as set forth at the end of the common preamble.

PART 601—NEW RESTRICTIONS ON LOBBYING**Subpart A—General****Sec.**

- 601.100 Conditions on use of funds.
- 601.105 Definitions.
- 601.110 Certification and disclosure.

Subpart B—Activities by Own Employees

- 601.200 Agency and legislative liaison.
- 601.205 Professional and technical services.
- 601.210 Reporting.

Subpart C—Activities by Other Than Own Employees

- 601.300 Professional and technical services.

Subpart D—Penalties and Enforcement

- 601.400 Penalties.
- 601.405 Penalty procedures.
- 601.410 Enforcement.

Subpart E—Exemptions

- 601.500 Secretary of Defense.

Subpart F—Agency Reports

- 601.600 Semi-annual compilation.
- 601.605 Inspector general report.

Appendix A to Part 601—Certification Regarding Lobbying**Appendix B to Part 601—Disclosure Form to Report Lobbying**

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Secs. 644 and 646, Pub. L. 95-91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 96-258, 96 Stat. 1003-1005 (31 U.S.C. 6301-6308).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

NATIONAL FOUNDATION ON THE ARTS OF THE HUMANITIES

National Endowment for the Arts

45 CFR Part 1158

FOR FURTHER INFORMATION CONTACT:
Larry Baden, Grants Officer, 202-682-5403.

List of Subjects in 45 CFR Part 1158

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Cynthia Rand,
Deputy Chairman for Management.

Part 1158 is added to read as set forth at the end of the common preamble.

PART 1158—NEW RESTRICTIONS ON LOBBYING**Subpart A—General**

Sec.
1158.100 Conditions on use of funds.
1158.105 Definitions.
1158.110 Certification and disclosure.

Subpart B—Activities by Own Employees

1158.200 Agency and legislative liaison.
1158.205 Professional and technical services.
1158.210 Reporting.

Subpart C—Activities by Other Than Own Employees

1158.300 Professional and technical services.

Subpart D—Penalties and Enforcement

1158.400 Penalties.
1158.405 Penalty procedures.
1158.410 Enforcement.

Subpart E—Exemptions

1158.500 Secretary of Defense.

Subpart F—Agency Reports

1158.600 Semi-annual compilation.
1158.605 Inspector General report.

Appendix A to Part 1158—Certification Regarding Lobbying**Appendix B to Part 1158—Disclosure Form to Report Lobbying**

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 20 U.S.C. 959.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

National Endowment for the Humanities**45 CFR Part 1168**

FOR FURTHER INFORMATION CONTACT:
David J. Wallace (202) 786-0494.

List of Subjects in 45 CFR Part 1168

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Lynne V. Cheney,
Chairman, National Endowment for the Humanities.

Part 1168 is added to read as set forth at the end of the common preamble.

PART 1168—NEW RESTRICTIONS ON LOBBYING**Subpart A—General**

Sec.
1168.100 Conditions on use of funds.
1168.105 Definitions.
1168.110 Certification and disclosure.

Subpart B—Activities by Own Employees

1168.200 Agency and legislative liaison.
1168.205 Professional and technical services.
1168.210 Reporting.

Subpart C—Activities by Other Than Own Employees

1168.300 Professional and technical services.

Subpart D—Penalties and Enforcement

1168.400 Penalties.
1168.405 Penalty procedures.
1168.410 Enforcement.

Subpart E—Exemptions

1168.500 Secretary of Defense.

Subpart F—Agency Reports

1168.600 Semi-annual compilation.
1168.605 Inspector General report.

Appendix A to Part 1168—Certification Regarding Lobbying**Appendix B to Part 1168—Disclosure Form to Report Lobbying**

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 20 U.S.C. 959 (a) (1).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

ACTION**45 CFR Part 1230**

FOR FURTHER INFORMATION CONTACT:
Margaret M. McHale, Telephone (202) 634-9150.

List of Subjects in 45 CFR Part 1230

Contract programs, Grant programs, Loan programs, Lobbying.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Jane Kenny,
Director, ACTION.

Part 1230 is added to read as set forth at the end of the common preamble.

PART 1230—NEW RESTRICTIONS ON LOBBYING**Subpart A—General**

Sec.
1230.100 Conditions on use of funds.
1230.105 Definitions.
1230.110 Certification and disclosure.

Subpart B—Activities by Own Employees

1230.200 Agency and legislative liaison.
1230.205 Professional and technical services.
1230.210 Reporting.

Subpart C—Activities by Other Than Own Employees

1230.300 Professional and technical services.

Subpart D—Penalties and Enforcement

1230.400 Penalties.
1230.405 Penalty procedures.
1230.410 Enforcement.

Subpart E—Exemptions

1230.500 Secretary of Defense.

Subpart F—Agency Reports

1230.600 Semi-annual compilation.
1230.605 Inspector General report.

Appendix A to Part 1230—Certification Regarding Lobbying**Appendix B to Part 1230—Disclosure Form to Report Lobbying**

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); Public Law 93-113; 42 U.S.C. 4951, et seq; 42 U.S.C. 5060.

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 20**

RIN 2105-AB57

FOR FURTHER INFORMATION CONTACT:
Robert G. Taylor, Department of Transportation, Office of Acquisition and Grant Management—M-62, 400 Seventh Street, SW., Room 9401, Washington, DC 20590, (202) 366-4286.

List of Subjects in 49 CFR Part 20

Contract programs, Grant programs, Loan programs, Lobbying.

Title 49 of the Code of Federal Regulations is amended as set forth below.

Issued this 16th day of February 1990 at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

Part 20 is added to read as set forth at the end of the common preamble.

PART 20—NEW RESTRICTIONS ON LOBBYING

Subpart A—General

Sec.

- 20.100 Conditions on use of funds.
- 20.105 Definitions.
- 20.110 Certification and disclosure.

Subpart B—Activities by Own Employees

- 20.200 Agency and legislative liaison.
- 20.205 Professional and technical services.
- 20.210 Reporting.

Subpart C—Activities by Other Than Own Employees

- 20.300 Professional and technical services.

Subpart D—Penalties and Enforcement

- 20.400 Penalties.
- 20.405 Penalty procedures.
- 20.410 Enforcement.

Subpart E—Exemptions

- 20.500 Secretary of Defense.

Subpart F—Agency Reports

- 20.600 Semi-annual compilation.
- 20.605 Inspector General report.

Appendix A to Part 20—Certification Regarding Lobbying

Appendix B to Part 20—Disclosure Form to Report Lobbying

Authority: Section 319, Public Law 101-121 (31 U.S.C. 1352); 49 U.S.C. 322(a).

Cross reference: See also Office of Management and Budget notice published at 54 FR 52306, December 20, 1989.

[FR Doc. 90-4217 Filed 2-23-90; 8:45 am]

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February 1990

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