recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by:

(1) Making an administrative offset against other requests for reimbursements,

(2) Withholding advance payments otherwise due to the recipient,

(3) Taking other action permitted by statute, or

(b) Except as otherwise provided by law, the Federal awarding agency shall charge interest on an overdue debt in accordance with 4 CFR Chapter II, ''Federal Claims Collection Standards.''

Subpart E—Statutory Compliance

§ 2543.80 Contract Provisions.

All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:

§ 2543.81 Equal Employment Opportunity.

All contracts shall contain a provision requiring compliance with E.O. 11246, ''Equal Employment Opportunity,'' as amended by E.O. 11375, ''Amending Executive Order 11246 Relating to Equal Employment Opportunity,'' and as supplemented by regulations at 41 CFR part 60, ''Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.''

§ 2543.82 Copeland ''Anti-Kickback'' Act.

All contracts and subgrants in excess of $2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland ''Anti-Kickback'' Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, ''Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States''). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

§ 2543.83 Davis-Bacon Act.

When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than $2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR part 5, ''Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction''). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.

§ 2543.84 Contract Work Hours and Safety Standards Act.

Where applicable, all contracts awarded by recipients in excess of $2000 for construction contracts and in excess of $2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

§ 2543.85 Rights to Inventions Made Under a Contract or Agreement.

Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, ''Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,'' and any implementing regulations issued by the awarding agency.

§ 2543.86 Clean Air Act and the Federal Water Pollution Control Act.

Contracts and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

§ 2543.87 Byrd Anti-Lobbying Amendment.

Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

§ 2543.88 Debarment and Suspension.

No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, ''Debarment and Suspension.'' This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

[FR Doc. 95–5625 Filed 3–9–95; 8:45 am]

BILLING CODE 6050–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 94–32; FCC 95–47]

Spectrum Below 5 GHz Transferred From Federal Government Use

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This First Report and Order adopts allocations for 50 megahertz of spectrum that has been transferred from Federal Government use to private sector use. This action is necessary to comply with provisions of the Omnibus Budget Reconciliation Act of 1993 (Reconciliation Act) that require the Commission to allocate, and propose regulations to assign, this spectrum within 18 months of adoption of the Reconciliation Act. A companion Notice of Proposed Rule Making, published elsewhere in this issue, proposes rules to govern use of the spectrum allocated in this Report and Order. Our goal in taking this action is to provide for use of spectrum transferred from Federal Government to private sector use in a way that will benefit the public by providing for the introduction of new services and devices and enhance existing services and devices.

EFFECTIVE DATE: April 10, 1995.

FOR FURTHER INFORMATION CONTACT: Steve Sharkey, Office of Engineering and Technology, (202) 739–0723.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order, ET Docket No. 94–32, FCC 95–47, adopted February 7, 1995, and released February 17, 1995. The full text of this First Report and Order is available for inspection during normal business hours in the Records Room of the Federal Communications Commission, room 239, 1919 M St., NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 2100 M St., NW., suite 140, Washington, DC 20037, telephone (202) 857–3800.

Summary of First Report and Order (R&O)

1. The purpose of this R&O is to adopt allocations for 50 megahertz of spectrum that has been transferred from Federal Government to private sector use as required by the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66, Title VI, section 6001(a)(3), 107 Stat. 312 (approved August 10, 1993) (Reconciliation Act).

2. In compliance with the provision of the Reconciliation Act, the Department of Commerce released a report on February 10, 1994, which made a preliminary identification of 200 megahertz of spectrum for reallocation from Federal Government to private sector use, including 50 megahertz at 2390–2400 MHz, 2402–2417 MHz, and 4660–4685 MHz identified for immediate availability. The Reconciliation Act requires that, by February 10, 1995, the Commission allocate, and propose regulations to assign, the 50 megahertz of spectrum that is immediately available. On November 8, 1994, we released a Notice of Proposed Rule Making, 59 FR 59393 (11/17/94), in this proceeding proposing that all 50 megahertz of immediately available spectrum be allocated for Fixed and Mobile service. As an alternative to allocating this spectrum generally for Fixed and Mobile services, the Notice of Proposed Rule Making requested comment on the possible allocation of these bands for specific communications services including an aeronautical audio/visual service to provide real time information and entertainment aboard aircraft, wireless local loop service, broadcast auxiliary services to support advanced television, unlicensed PCS, low-power communications, either on a licensed or unlicensed basis, and continued use of some of this spectrum by the amateur community.

3. Based on the record in this proceeding, the Commission determined that an approach that provides spectrum for both unlicensed devices and Fixed and Mobile services would best serve the public interest. Taking into account the unique nature of some of the bands under consideration, the current communications environment, and the suggestions of the commenting parties, we find it is desirable to allocate 25 megahertz for specific services and devices and 25 megahertz for Fixed and Mobile operations. In particular, we are providing 25 megahertz for use by unlicensed devices and the Amateur service and 25 megahertz for Fixed and Mobile operations. Specifically, we are allocating the 2390–2400 MHz band for use by unlicensed asynchronous Personal Communications Services (PCS) devices, providing for continued use of the 2402–2417 MHz band by devices operating in accordance with Part 15 of our Rules, allocating both of these bands for use by the Amateur service on a primary basis, and allocating the band 4660–4685 MHz for use by Fixed and Mobile services. The 2390–2400 MHz and 2402–2417 MHz bands will be governed by existing applicable rules. In a companion Second Notice of Proposed Rule Making, the Commission proposed rules for use of the 4660–4685 MHz band. The allocations adopted in this Report and Order will benefit the public by providing for the introduction of new services and devices and the enhancement of existing services and devices. These new and enhanced services and uses will create new jobs, foster economic growth, and improve access to communications by industry and the American public.

Final Regulatory Flexibility Analysis

1. Need and purpose of this action: This Report and Order allocates 50 megahertz of spectrum that was transferred from Federal Government to private sector use. Transfer and allocation of this spectrum was required by the Omnibus Budget Reconciliation Act of 1993.

2. Summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis: There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

3. Significant alternatives considered: Commenters in this proceeding supported allocating the spectrum under consideration for a number of various services. These services include wireless local loops, a ground-to-air aeronautical audio/video service, mobile satellite service, private services, unlicensed PCS devices, other unlicensed devices, amateur service, interactive data, audio and video services, fixed service, mobile services, and broadcast auxiliary services. This Report and Order considers all of these uses and provides analysis regarding each. As a result of this analysis, the Commission determined that the action taken in this Report and Order would provide the most beneficial use of the spectrum under consideration.

Paperwork Reduction

This proposal has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, disclosure or record retention requirements and will not increase the burden hours imposed on the public.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 15

Communications equipment, Computer technology, Labeling, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Parts 2 and 15 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303 and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended to read as follows:

a. In the 2390–2450 MHz band and the 4500–4800 MHz band, revise all columns to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
			Government	Non-Government	Rule part(s)	Special-use frequencies
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Allocation MHz	Allocation MHz		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
2300–2450	2300–2450	2300–2450	2300–2310	2300–2310		
FIXED.	FIXED.	FIXED.	RADIOLOCATION.	Amateur.	Amateur (97).	
MOBILE.	MOBILE.	MOBILE.	Fixed.			
Amateur.	RADIO-LOCATION.	RADIO-LOCATION.	Mobile.			
Radiolocation.	Amateur.	Amateur.	US253 G2	US253		
			2310–2360	2310–2360		
			Mobile.	BROADCASTING-SATELLITE.		Digital Audio Radio Services.
			Radiolocation.	Mobile.		
			Fixed.	751B US276 US327		
			751B US276 US327			
			US328 G2 G120	US328		
			2360–2390	2360–2390		
			MOBILE.	MOBILE.		
			RADIOLOCATION.			
			Fixed.			
			US276 G2 G120	US276		
			2390–2400	2390–2400	Radio Frequency Devices (15).	
				AMATEUR.	AMATEUR (97)	
			G122			
			2400–2402	2400–2402		
			RADIOLOCATION.	Amateur.	Amateur (97).	
			664 752 G2	664 752		
664 751A 752	664 750B 751 751B 752	664 750B 751 751B 752	2402–2417	2402–2417	AMATEUR (97).	
				AMATEUR.	Radio Frequency Devices (15).	
			664 752 G122	664 752		
			2417–2450	2417–2450		
			RADIOLOCATION.	Amateur.	Amateur (97).	
			664 752 G2	664 752		
*	*	*	*	*	*	*
4500–4800	4500–4800	4500–4800	4500–4660	4500–4660		
			FIXED.	FIXED-SATELLITE (space-to-Earth).		
FIXED.	FIXED.	FIXED.	MOBILE.			
FIXED-SATELLITE (space-to-Earth)	FIXED-SATELLITE (space-to-Earth)	FIXED-SATELLITE (space-to-Earth)	US245	792A US245		
792A.	792A.	792A.	4660–4685	4660–4685		
MOBILE.	MOBILE.	MOBILE.				
				FIXED.		
				FIXED-SATELLITE (space-to-Earth).		
				MOBILE.		
			G122	792A US245		
			4685–4800	4685–4800		
			FIXED.	FIXED-SATELLITE (space-to-Earth).		
			MOBILE.			
			US245	792A US245		
*	*	*	*	*	*	*

b. Government footnote G2 is revised and Government footnote G122 is added to read as follows:

Government (G) Footnotes

* * * * *

G2 In the bands 216–225, 420–450 (except as provided by US 217), 890–902, 928–942, 1300–1400, 2300–2390, 2400–2402, 2417–2450, 2700–2900, 5650–5925, and 9000–9200 MHz, the Government radiolocation is limited to the military services.

* * * * *

G122 The bands 2390–2400, 2402–2417 and 4660–4685 MHz were identified for immediate reallocation, effective August 10, 1994, for exclusive non-Government use under Title VI of the Omnibus Budget Reconciliation Act of 1993. Effective August 10, 1994, any Government operations in these bands are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations.

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for Part 15 continues to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.301 is revised to read as follows:

§ 15.301 Scope.

This subpart sets out the regulations for unlicensed personal communications services (PCS) devices operating in the 1910–1930 MHz and 2390–2400 MHz frequency bands.

3. Section 15.303 is amended by revising paragraph (g) to read as follows:

§ 15.303 Definitions.

* * * * *

(g) *Personal Communications Services (PCS) Devices [Unlicensed].* Intentional radiators operating in the frequency bands 1910–1930 MHz and 2390–2400 MHz that provide a wide array of mobile and ancillary fixed communication services to individuals and businesses.

* * * * *

4. Section 15.311 is revised to read as follows:

§ 15.311 Labelling requirements.

In addition to the labelling requirements of § 15.19(a)(3), all devices operating in the frequency band 1910–1930 MHz authorized under this subpart must bear a prominently located label with the following statement:

Installation of this equipment is subject to notification and coordination with UTAM, Inc. Any relocation of this equipment must be coordinated through, and approved by UTAM. UTAM may be contacted at [insert UTAM's toll-free number].

5. Section 15.319 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 15.319 General technical requirements.

(a) The 1910–1920 MHz and 2390–2400 MHz bands are limited to use by asynchronous devices under the requirements of § 15.321. * * *

* * * * *

6. Section 15.321 is amended by revising the heading, paragraphs (a) and (b) and the first sentence of paragraph (e) to read as follows:

§ 15.321 Specific requirements for asynchronous devices operating in the 1910–1920 MHz and 2390–2400 MHz bands.

(a) Operation shall be contained within either or both of the 1910–1920 MHz and 2390–2400 MHz bands. The emission bandwidth of any intentional radiator operating in these bands shall be no less than 500 kHz.

(b) All systems of less than 2.5 MHz emission bandwidth shall start searching for an available spectrum window within 3 MHz of the band edge at 1910, 1920, 2390, or 2400 MHz while systems of more than 2.5 MHz emission bandwidth will first occupy the center half of the band. Devices with an emission bandwidth of less than 1.0 MHz may not occupy the center half of the band if other spectrum is available.

* * * * *

(e) The frequency stability of the carrier frequency of intentional radiators operating in accordance with this section shall be ±10 ppm over 10 milliseconds or the interval between channel access monitoring, whichever is shorter. * * *

* * * * *

[FR Doc. 95–5382 Filed 3–9–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

48 CFR Parts 209 and 252

Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for public comments.

SUMMARY: The Director of Defense Procurement is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to preclude award of contracts to, or consent to subcontracts with institutions of higher education which have been determined to have a policy of denying, or effectively preventing the Secretary of Defense from obtaining for military recruiting purposes entry to campuses, access to students on campus, or access to directory information pertaining to students. The rule also requires that departments and agencies shall make no further payments under existing contracts and shall initiate termination action if institutions are determined to have such a policy.

DATES: *Effective Date:* March 6, 1995.

Comment Date: Comments on the interim rule should be submitted to the address shown below on or before May 9, 1995 to be considered in formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to The Defense Acquisition Regulations Council, ATTN: Ms. Linda Holcombe, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 94–D310 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Holcombe, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 558 of the National Defense Authorization Act for Fiscal year 1995 (Pub. L 103–337) provides that no funds available to the Department of Defense may be provided by grant or contract to any institution of higher education that either (1) has a policy of denying, or (2) effectively prevents the Secretary of Defense from obtaining for military recruiting purposes entry to campuses, access to students on campuses, or access to directory information pertaining to students.

This interim rule establishes a requirement for all solicitations and contracts with institutions of higher education to include a clause which requires the contractor to represent that it does not now have and will not in the future adopt a policy of denying or effectively preventing the Secretary of Defense from obtaining for military recruiting purposes entry to their campuses, access to students on campuses, or access to directory information pertaining to their students. Institutions found to have such policies are ineligible for contract award and payments under existing contracts. In addition, the Government shall terminate the contract for the contractor's material failure to comply with the terms and conditions of award.