

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

Government (G) Footnotes

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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. * * *

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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.

B. Regulatory Flexibility Act

The interim rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule restricts agencies from soliciting offers from, awarding contracts to, or consenting to subcontracts with institutions of higher education which are 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 campuses, or access to directory information pertaining to students. In addition, the interim rule 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. A copy of the Initial Regulatory Flexibility Analysis has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Initial Regulatory Flexibility Analysis may be obtained from Ms. Linda Holcombe, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, D.C. Comments are invited. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 94-D310 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 209 and 252

Government procurement.

Claudia L. Naugle,
Deputy Director, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209 and 252 are amended as follows:

1. The authority citation for 48 CFR parts 209 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

2. Subpart 209.4 is amended to add Sections 209.470, 209.470-1, 209.470-2, and 209.470-3 as follows:

Subpart 209.4—Debarment, Suspension, and Ineligibility

* * * * *

209.470 Military recruiting on campus.**209.470-1 Policy.**

(a) 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—
 - (i) Entry to campuses or access to students on campus; or
 - (ii) Access to directory information pertaining to students; or
 - (2) Effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—
 - (i) Entry to campuses or access to students on campus; or
 - (ii) Access to directory information pertaining to students.
- (b) Institutions of higher education that are determined under the procedures prescribed by the Secretary of Defense to have the policy or practice in paragraph (a) of this subsection shall be listed as ineligible on the list of Parties Excluded From Federal Procurement Programs published by the General Services Administration (GSA). (See FAR 9.404).

209.470-2 Procedures.

- (a) Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with ineligible contractors.
- (b) After a determination of ineligibility, departments and agencies shall make no further payments under existing contracts with the institutions, and shall initiate termination action.

209.470-3 Contract clause.

Use the clause at 252.209-7007, Military Recruiting on Campus, in all solicitations and contracts with institutions of higher education.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.209-7007 is added to read as follows:

252.209-7007 Military Recruiting on Campus

As prescribed in 209.470-3, use the following clause:

Military Recruiting on Campus (Mar 1995)

(a) *Definitions.* "Directory information," as used in this clause, means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the

most recent previous educational institution enrolled in by the student. Students are individuals who are 17 years of age or older.

(b) *General.* An institution of higher education that has been determined, using procedures established by the Secretary of Defense to implement section 558 of Pub. L. 103-337 (1994): (1) To have a policy of denying, or (2) to prevent effectively 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 students, access to students on campuses, is ineligible for contract award and payments under existing contracts. In addition, the Government shall terminate this contract for the contractor's material failure to comply with the terms and conditions of award.

(c) *Agreement.* The contractor represents that it does not now have and agrees that during performance of this contract it will not adopt a policy of denying, and that it does not, is not, and will not during performance of the contract, effectively prevent 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.

(End of clause)

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48 CFR Part 219**Defense Federal Acquisition Regulation Supplement; Subcontracting Plans**

AGENCY: Department of Defense (DoD).
ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to extend the authority through September 30, 1997, for contractors to claim credit towards their small business subcontracting goals for subcontracts with qualified nonprofit agencies for the blind and severely disabled.

DATES: *Effective date:* February 27, 1995.

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

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: LTC Edward C. King Jr., PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 94-D312 in all correspondence related to this issue.