

**DEPARTMENT OF AGRICULTURE****7 CFR Part 3016****DEPARTMENT OF ENERGY****10 CFR Part 600****SMALL BUSINESS ADMINISTRATION****13 CFR Part 143****DEPARTMENT OF COMMERCE****15 CFR Part 24****OFFICE OF NATIONAL DRUG CONTROL POLICY****21 CFR Part 1403****DEPARTMENT OF STATE****22 CFR Part 135****DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****24 CFR Part 85****DEPARTMENT OF JUSTICE****28 CFR Part 66****DEPARTMENT OF LABOR****29 CFR Part 97****FEDERAL MEDIATION AND CONCILIATION SERVICE****29 CFR Part 1470****DEPARTMENT OF DEFENSE****32 CFR Part 33****DEPARTMENT OF EDUCATION****34 CFR Part 80****NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1207****DEPARTMENT OF VETERANS AFFAIRS****38 CFR Part 43****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 31****GENERAL SERVICES ADMINISTRATION****41 CFR Part 105-71****DEPARTMENT OF THE INTERIOR****43 CFR Part 12****FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 13****DEPARTMENT OF HEALTH AND HUMAN SERVICES****45 CFR Part 92****NATIONAL SCIENCE FOUNDATION****45 CFR Part 602****NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES****National Endowment for the Arts****45 CFR Part 1157****National Endowment for the Humanities****45 CFR Part 1174****Institute of Museum Services****45 CFR Part 1183****CORPORATION FOR NATIONAL AND COMMUNITY SERVICE****45 CFR Part 2541****DEPARTMENT OF TRANSPORTATION****49 CFR Part 18****Grants and Cooperative Agreements to State and Local Governments**

**AGENCIES:** 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 Veterans Affairs, Corporation for National and Community Service, Environmental Protection Agency, Federal Emergency Management Agency, Federal Mediation and Conciliation Service, General Services Administration, Institute of Museum Services, National Archives and Records Administration, National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, Office of National Drug Control Policy, Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** In response to a recommendation by the National Performance Review, this final revision to the grants management common rule, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," originally issued in the March 11, 1988, **Federal Register**, raises the dollar threshold for simplified procedures for small purchases (simplified acquisition threshold) by State and local grantees. The agencies' common rule provides uniform fiscal and administrative requirements applicable to all types of grants and cooperative agreements to State and local governments.

**EFFECTIVE DATE:** This rule is effective May 19, 1995.

**FOR FURTHER INFORMATION CONTACT:** See preambles of the individual agencies below.

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

In 1983, a 20-agency task force explored streamlining grants

management and reviewed OMB Circular A-102, "Uniform Administrative Requirements for Grants to State and Local Governments."

In response, two governmentwide documents were eventually issued: a March 1988 common rule (53 FR 8034-8103) containing fiscal and administrative requirements for grants and cooperative agreements to State and local governments (grantees) and subrecipients which are State and local governments (subgrantees), and a March 1988 revised OMB Circular A-102 (53 FR 8028-8032)—directed solely to Federal agencies—containing guidance to Federal agencies on how they should manage the award and administration of Federal grants. Consistent with a March 12, 1987, Presidential memorandum, all affected agencies adopted the common rule verbatim, except where inconsistent with specific statutory requirements.

In September 1993, in *Creating a Government that Works Better and Costs Less*, the National Performance Review (NPR) made a recommendation to "Simplify administration by modifying the common grant rules on small purchases" (FSL05). Specifically, NPR recommended an increase in the dollar threshold for small purchases (simplified acquisition threshold) by local governments from \$25,000 to \$100,000. NPR also made a companion recommendation in the area of reinventing Federal procurement to "Establish new simplified acquisition threshold and procedures" (PROC04). This recommendation sought legislation to simplify small purchases by raising the threshold for the use of simplified acquisition procedures from \$25,000 to \$100,000.

In a February 1994 accompanying report of the NPR entitled *Creating a Government that Works Better & Costs Less—Strengthening the Partnership in Intergovernmental Service Delivery*, NPR elaborated on recommendation FSL05. NPR stated "Local governments have found the \$25,000 limit to be overly restrictive, especially for the purchase of small vehicles that often exceed this amount. For example, to procure one small van with federal funds to satisfy Americans with Disabilities Act requirements, grantees must formally advertise and solicit sealed public bids. This requirement delays the procurement process and prevents grantees from acquiring rolling stock quickly" (page 21).

In many cases, State statutes set a small purchase threshold below the Federal small purchase threshold. State and local governments are encouraged to amend their thresholds in similar

fashion so that grantees will be able to more fully benefit from the change in Federal requirements in this rulemaking.

On October 13, 1994, President Clinton signed Public Law 103-355, the Federal Acquisition Streamlining Act of 1994. The Act amended 41 U.S.C. 403(11) to read "The term 'simplified acquisition threshold' means \$100,000." Formerly, this section defined the "small purchase threshold" at \$25,000. Thus, the proposed rule's language reading "the greater of \$100,000 or the small purchase threshold fixed at 41 U.S.C. 403(11) (currently set at \$25,000)" anticipated this new Act, and is fully consistent with it.

Also, since the latest revision to OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," published in the **Federal Register** on November 29, 1993 (58 FR 62992-63005), states at paragraph \_\_\_\_\_.44(e)(2), "The procurement is expected to exceed the small purchase threshold fixed at 41 U.S.C. 403 (11) (currently \$25,000)," OMB has determined that the \$100,000 threshold already applies to grants with institutions of higher education, hospitals, and other non-profit organizations.

On October 14, 1994, OMB published in the **Federal Register** a final revision to OMB Circular A-102 (59 FR 52224-52227).

#### Public Comments

On October 25, 1994, the agencies proposed amendments to the grants management common rule (59 FR 53706-53713). Fifteen public and agency comments were received. All basically supported the increase in the threshold, although some were concerned about whether the increase would have the intended effect in light of some lower State and local thresholds. Some commenters also indicated other desirable changes in grants administration for consideration in future rulemaking actions.

One commenter asked for a clarification whether professional services costing less than \$100,000 could be procured under the small purchase procedures. The common rule does not provide for any different procedures for the procurement of professional services, except for the procurement of architectural/engineering (A/E) services. Grantees may use qualifications-based competitive proposals for the procurement of A/E professional services (see section \_\_\_\_\_.36(d)(3)(v)).

However, this is not a requirement and grantees are authorized to use small purchase procedures for procuring A/E professional services.

#### Text Changes

In response to the new Federal Acquisition Streamlining Act, the following changes in the proposed text are reflected in the final text: (a) the term "simplified acquisition threshold" replaces the term "small purchase threshold," (b) the threshold level is now set at \$100,000 instead of \$25,000, and (c) the language reading "the greater of \$100,000 or the small purchase threshold" now merely reads "the simplified acquisition threshold." In addition, "Contracts other than small purchases" in section \_\_\_\_\_.36(i)(1) has been changed to "Contracts more than the simplified acquisition threshold."

The language changes are reflected in the following eight paragraphs in section \_\_\_\_\_.36: (d)(1), (g)(2) introductory text, (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (h) introductory text, and (i)(1).

#### Impact Analysis

##### Executive Order 12866

The participating agencies have determined that this rule is "not significant" for purposes of Executive Order 12866.

##### Regulatory Flexibility Act of 1980

The participating agencies certify to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The rule does not affect the amount of funds provided in the covered programs, but rather modifies and updates an administrative and procedural requirement that reduces burden on small entities. As such, a Regulatory Flexibility Analysis has not been prepared.

##### Paperwork Reduction Act

The participating agencies certify that this final rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

#### Text of the Final Common Rule

The text of the final common rule appears below:

#### PART \_\_\_\_—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. Section \_\_\_\_\_.36 is amended by revising paragraphs (d), (g), (h) and (i) to read as follows:

##### \_\_\_\_\_.36 Procurement.

\* \* \* \* \*

(d) *Methods of procurement to be followed* (1) *Procurement by small purchase procedures.* Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) *Procurement by sealed bids* (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in \_\_\_\_\_.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents,

factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) **Procurement by competitive proposals.** The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) **Procurement by noncompetitive proposals** is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a

delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

\* \* \* \* \*

(g) **Awarding agency review.** (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in

paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) **Bonding requirements.** For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) **Contract provisions.** A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted

to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5).

(Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books,

documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

#### Adoption of Final Common Rule

The agency-specific adoptions of the final common rule, which appears at the end of the common preamble, appear below.

#### DEPARTMENT OF AGRICULTURE

##### 7 CFR Part 3016

RIN 0503-AA08

**FOR FURTHER INFORMATION CONTACT:**  
Gerald Miske, Supervisory Management Analyst, Federal Assistance and Fiscal Policy Division, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1553.

#### List of Subjects in 7 CFR Part 3016

Accounting, Contract programs, Grant programs—agriculture, Intergovernmental relations, Reporting and recordkeeping requirements.

Issued at Washington, DC.

**Anthony A. Williams,**  
*Chief Financial Officer.*

Approved:

**Dan Glickman,**  
*Secretary of Agriculture.*

Title 7 of the Code of Federal Regulations, part 3016 is amended as follows.

#### PART 3016—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. The authority for part 3016 continues to read as follows:

**Authority:** 5 U.S.C. 301.

2. Section 3016.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 3410-90-P**

#### DEPARTMENT OF ENERGY

##### 10 CFR Part 600

RIN 1991-AB15

**FOR FURTHER INFORMATION CONTACT:**  
Cherlyn Seckinger, Business and Financial Policy Division (HR-51) U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8192.

#### List of Subjects in 10 CFR Part 600

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Richard H. Hopf,**

*Deputy Assistant Secretary for Procurement and Assistance Management.*

Title 10 of the Code of Federal Regulations, part 600 is amended as follows.

#### PART 600—FINANCIAL ASSISTANCE RULES

**Subpart C—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments**

1. The authority for 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. Section 600.236 [\_\_\_\_\_36] is amended as set forth at the end of the common preamble.

**BILLING CODE 6450-01-M**

#### SMALL BUSINESS ADMINISTRATION

##### 13 CFR Part 143

**FOR FURTHER INFORMATION CONTACT:**  
Calvin Jenkins, Assistant Administrator for Administration, 202-205-6630.

#### List of Subjects in 13 CFR Part 143

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Philip Lader,**  
*Administrator.*

Title 13 of the Code of Federal Regulations, part 143 is amended as follows:

**PART 143—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The for part 143 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6).

2. Section 143.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 8025-01-M**

**DEPARTMENT OF COMMERCE****15 CFR Part 24****RIN 0605-AA04**

**FOR FURTHER INFORMATION CONTACT:** John J. Phelan, III, 202-482-4115.

**List of Subjects in 15 CFR Part 24**

Accounting, Contract programs, Grants programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Sonya G. Stewart,**

*Director, Office of Executive Budgeting and Assistance Management.*

Title 15 of the Code of Federal Regulations, part 24 is amended as follows.

**PART 24—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 24 continues to read as follows:

**Authority:** 5 U.S.C. 301.

2. Section 24.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 3510-FA-M**

**OFFICE OF NATIONAL DRUG CONTROL POLICY****21 CFR Part 1403****RIN 3201-ZA00**

**FOR FURTHER INFORMATION CONTACT:** Richard Yamamoto, Director, High Intensity Drug Trafficking Areas Program, (202) 395-6755.

**List of Subjects in 21 CFR Part 1403**

Accounting, Contract programs, Grant programs, Intergovernmental relations,

Reporting and recordkeeping requirements.

**Lee P. Brown,**  
*Director.*

Title 21 of the Code of Federal Regulations, part 1403 is amended as follows.

**PART 1403—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 1403 continues to read as follows:

**Authority:** 5 U.S.C. 301.

2. Section 1403.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 3180-02-M**

**DEPARTMENT OF STATE****22 CFR Part 135****RIN 1400-AA53**

**FOR FURTHER INFORMATION CONTACT:** Robert Lloyd, Office of the Procurement Executive, 703-516-1690.

**List of Subjects in 22 CFR Part 135**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Lloyd W. Pratsch,**  
*Procurement Executive.*

Title 22 of the Code of Federal Regulations, Part 135 is amended as follows:

**PART 135—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 135 continues to read as follows:

**Authority:** 22 U.S.C. 2658.

2. Section 135.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4710-24-M**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****24 CFR Part 85****RIN 2535-AA22**

**FOR FURTHER INFORMATION CONTACT:** Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, (202) 708-0294. TDD: (202) 708-1112.

**List of Subjects in 24 CFR Part 85**

Accounting, Contract programs, Grant programs, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

**Henry G. Cisneros,**  
*Secretary.*

Title 24 of the Code of Federal Regulations, part 85 is amended as follows:

**PART 85—ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE, LOCAL AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS**

1. The authority for part 85 continues to read as follows:

**Authority:** 42 U.S.C. 3535(d).

2. Section 85.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4210-32-M**

**DEPARTMENT OF JUSTICE****28 CFR Part 66**

**[OJP No. 1007F; A.G. Order No. 1961-95]**

**RIN 1121-AA16**

**FOR FURTHER INFORMATION CONTACT:**

Cynthia J. Schwimer, Director, Financial Management Division, 202-307-3186.

**List of Subjects in 28 CFR Part 66**

Accounting, Contract programs, Grant programs, Intergovernmental relations; Reporting and recordkeeping requirements.

**Janet Reno,**  
*Attorney General.*

Title 28, Chapter I, of the Code of Federal Regulations, part 66 is amended as follows.

**PART 66—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 66 is revised to read as follows:

**Authority:** 18 U.S.C. 4042, 4351-4353; 42 U.S.C. 3711 *et seq.*, 5601 *et seq.*, 10601 *et seq.*

2. Sections 66.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4410-18-M**

**DEPARTMENT OF LABOR****29 CFR Part 97****RIN 1291-AA22**

**FOR FURTHER INFORMATION CONTACT:** Melvin Goldberg, Chief, Division of Procurement and Grant Policy, (202) 219-9174.

**List of Subjects in 29 CFR Part 97**

Accounting, Contract programs, Grants programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Cynthia A. Metzler,**

*Assistant Secretary for Administration and Management.*

Title 27 of the Code of Federal Regulations, part 97 is amended as follows:

**PART 97—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 97 continues to read as follows:

**Authority:** 5 U.S.C. 301; OMB Circular A-102.

2. Section 97.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4150-23-M**

**FEDERAL MEDIATION AND CONCILIATION SERVICE****29 CFR Part 1470****RIN 3076-AA03**

**FOR FURTHER INFORMATION CONTACT:** Peter Regner, (202) 606-8181

**List of Subjects in 29 CFR Part 1470**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**John Calhoun Wells,**  
*Director.*

Title 29 of the Code of Federal Regulations, Part 1470 is amended as follows.

**PART 1470—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 1470 continues to read as follows:

**Authority:** 29 U.S.C. 175a.

2. Section 1470.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 6372-01-M**

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Part 33****RIN 0790-AG05**

**FOR FURTHER INFORMATION CONTACT:** Mark Herbst, (703) 614-0205.

**ADDITIONAL SUPPLEMENTARY INFORMATION:**

The Department of Defense adopts this amendment to the Governmentwide common rule on administration of grants and cooperative agreements to State and local governments. In adopting this rule, the Office of the Secretary of Defense, the Military Departments and the Defense Agencies will maintain uniform procedures that are consistent with those of other Executive Departments and Agencies.

The Department of Defense originally codified this Governmentwide rule on March 11, 1988 (53 FR 8034), at 32 CFR Part 278. On February 21, 1992 (57 FR 6199), Part 278 was redesignated as Part 33. This rulemaking amends the redesignated Part 33.

**List of Subjects in 32 CFR Part 33**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Linda M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Title 32 of the Code of Federal Regulations, part 33 is amended as follows:

**PART 33—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 33 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. 113.

2. Section 33.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 5000-04-M**

**DEPARTMENT OF EDUCATION****34 CFR Part 80****RIN 1880-AA63**

**FOR FURTHER INFORMATION CONTACT:** Greg Vick, U.S. Department of Education,

Room 3636 ROB, Washington, DC 20202-4700. Telephone: (202) 708-8199. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**List of Subjects in 34 CFR Part 80**

Accounting, Contract programs, Grant programs—education, Intergovernmental relations, Reporting and recordkeeping requirements.

**Richard W. Riley,**  
*Secretary of Education.*

Title 34 of the Code of Federal Regulations, part 80 is amended as follows.

**PART 80—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 80 continues to read as follows:

**Authority:** 20 U.S.C. 1221e-3 and 3474, OMB Circular A-102, unless otherwise noted.

2. Section 80.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4000-01-M**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1207****RIN 3095-AA23**

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Hadyka or Nancy Allard on 301-713-6730.

**List of Subjects in 36 CFR Part 1207**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Trudy Huskamp Peterson,**  
*Acting Archivist of the United States.*

Title 36 of the Code of Federal Regulations, part 1207 is amended as follows.

**PART 1207—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 1207 continues to read as follows:

**Authority:** 44 U.S.C. 2104.

2. Section 1207.36 is amended as set forth at the end of the common preamble.

BILLING CODE 7515-01-M

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 43

RIN 2900-AH26

#### FOR FURTHER INFORMATION CONTACT:

Dale L. Renaud, Deputy Assistant Secretary for Intergovernmental Affairs (075), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-5760.

#### List of Subjects in 38 CFR Part 43

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Jesse Brown,**

*Secretary of Veterans Affairs.*

Title 38 of the Code of Federal Regulations, part 43 is amended as follows:

## PART 43—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. The authority for part 43 is revised to read as follows:

**Authority:** 38 U.S.C. 501, 1712.

2. Section 43.36 is amended as set forth at the end of the common preamble.

BILLING CODE 8320-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 31

RIN 2030-AA34

#### FOR FURTHER INFORMATION CONTACT:

Linda Yancey, Grants Policy and Procedures Branch, Grants Administration Division (3903F), 401 M Street SW., Washington, DC 20460, (202) 260-5264.

#### List of Subjects in 40 CFR Part 31

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 31, 1995.

**Carol M. Browner,**

*Administrator.*

Title 40 of the Code of Federal Regulations, part 31 is amended as follows.

## PART 31—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. The authority for part 31 continues to read as follows:

**Authority:** 33 U.S.C. 1251 *et seq.*; 42 U.S.C. 7401 *et seq.*; 42 U.S.C. 6901 *et seq.*; 42 U.S.C. 300f *et seq.*; 7 U.S.C. 136 *et seq.*; 15 U.S.C. 2601 *et seq.*; 42 U.S.C. 9601 *et seq.*; 20 U.S.C. 4011 *et seq.*; 33 U.S.C. 1401 *et seq.*

2. Section 31.36 is amended as set forth at the end of the common preamble.

BILLING CODE 6560-01-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 105-71

RIN 3090-AF-59

**FOR FURTHER INFORMATION CONTACT:** John P. Dyer, General Services Administration, Public Buildings Service, Office of Federal Protective Service, 18th and F Streets, NW, Room 7316, Washington, DC 20405. Telephone: (202) 501-0160.

#### List of Subjects in 41 CFR Part 105-71

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 6, 1995.

**Julia M. Stasch,**

*Acting Administrator of General Services.*

Title 41 of the Code of Federal Regulations, part 105-71 is amended as follows:

## PART 105-71—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

1. The authority for part 105-71 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Section 105-71.136 [\_\_\_\_\_.36] is amended as set forth at the end of the common preamble.

BILLING CODE 6820-23-M

## DEPARTMENT OF THE INTERIOR

Office of the Secretary

### 43 CFR Part 12

RIN 1090-AA47

**FOR FURTHER INFORMATION CONTACT:** Dean A. Titcomb, Chief, Acquisition and Assistance Division, (202) 208-6431.

#### List of Subjects in 43 CFR Part 12

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 27, 1995.

**Joseph L. Sax,**

*Acting Assistant Secretary—Policy, Management and Budget.*

Title 43 of the Code of Federal Regulations, Part 12 is amended as follows.

## PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority for part 12 continues to read as follows:

**Authority:** 5 U.S.C. 301; U.S.C. 6101 note, 7501; 41 U.S.C. 252a; 701 *et seq.*; sec. 307, Pub. L. 103-332, 108 Stat. 2499; sec. 501, Pub. L. 103-316, 108 Stat. 1723; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., p. 215; E.O. 12731, 3 CFR, 1990 Comp., p. 306; OMB Circular A-102; OMB Circular A-110; OMB Circular A-128; and OMB Circular A-133.

## Subpart C—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

2. Section 12.76 [\_\_\_\_\_.36] is amended as set forth at the end of the common preamble.

BILLING CODE 4310-RF-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 13

**FOR FURTHER INFORMATION CONTACT:** Charles F. McNulty, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2976.

#### List of Subjects in 44 CFR Part 13

Accounting, Contract programs, Grant programs, Intergovernmental relations,

Reporting and recordkeeping requirements.

**Harvey G. Ryland,**  
*Deputy Director.*

Title 44 of the Code of Federal Regulations, part 13 is amended as follows.

**PART 13—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 13 is revised to read as follows:

**Authority:** Reorg. Plan No. 3, 1978; E.O. 12148, 3 CFR, 1979 Comp., p. 412.

2. Section 13.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 6718-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**45 CFR Part 92**

**RIN 0991-AA77**

**FOR FURTHER INFORMATION CONTACT:** Charles Gale, Director, Division of Grants Policy and Oversight, 202-690-6377. For the hearing impaired only: Telecommunications Device for the Deaf 202-690-6415.

**ADDITIONAL SUPPLEMENTARY INFORMATION:** For clarification, in addition to applying to State and local governments, this amendment also applies to Indian Tribal governments.

**List of Subjects in 45 CFR Part 92**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 4, 1995.

**Donna E. Shalala,**  
*Secretary.*

Title 45 of the Code of Federal Regulations, part 92 is amended as follows.

**PART 92—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 92 continues to read as follows:

**Authority:** 5 U.S.C. 301.

2. Section 92.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 4150-04-M**

**NATIONAL SCIENCE FOUNDATION**

**45 CFR Part 602**

**RIN 3145-AA30**

**FOR FURTHER INFORMATION CONTACT:** Jean Feldman, Deputy Head, Policy Office, Division of Contracts, Policy & Oversight, 703-306-1243. For the hearing impaired only: Telecommunications Device for the Deaf, (703) 306-0090.

**List of Subjects in 45 CFR Part 602**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Joseph L. Kull,**

*Chief Financial Officer.*

Title 45 of the Code of Federal Regulations, part 602 is amended as follows.

**PART 602—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 602 continues to read as follows:

**Authority:** 42 U.S.C. 1870(a).

2. Section 602.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 7555-01-M**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**National Endowment for the Arts**

**45 CFR Part 1157**

**RIN 3135-AA12**

**FOR FURTHER INFORMATION CONTACT:** Ms. Donna DiRicco, Acting Grants Officer, National Endowment for the Arts, (202) 682-5403.

**List of Subjects in 45 CFR Part 1157**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Laurence Baden,**

*Deputy Chairman for Management.*

Title 45 of the Code of Federal Regulations, part 1157 is amended as follows.

**PART 1157—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 1157 continues to read as follows:

**Authority:** 20 U.S.C. 959(a)(1).

2. Section 1157.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 7537-01-M**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**National Endowment for the Humanities**

**45 CFR Part 1174**

**RIN 3136-AA17**

**FOR FURTHER INFORMATION CONTACT:** David J. Wallace, Director, Grants Office, National Endowment for the Humanities, 202-606-8494.

**List of Subjects in 45 CFR Part 1174**

Accounting, Contract programs, Grant programs, Intergovernmental relations, Reporting and recordkeeping requirements.

**Sheldon Hackney,**  
*Chairman.*

Title 45 of the Code of Federal Regulations, Part 1174 is amended as follows.

**PART 1174—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS**

1. The authority for part 1174 continues to read as follows:

**Authority:** 20 U.S.C. 959(a)(1).

2. Section 1174.36 is amended as set forth at the end of the common preamble.

**BILLING CODE 7536-01-M**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**Institute of Museum Services**

**45 CFR Part 1183**

**FOR FURTHER INFORMATION CONTACT:** Rebecca Danvers, Program Director, 202-606-8539.

**List of Subjects in 45 CFR Part 1183**

Accounting, Contract programs, Grant programs, Intergovernmental relations,