

CORPORATION FOR NATIONAL SERVICE STATE OFFICES—Continued

State	Name	Address	Phone
WV	Judith Russell	10 Hale Street, Suite 203, Charleston, WV 25301-1409	(304) 347-5246
WY	Patrick Gallizzi	308 West 21st Street, Room 206, Cheyenne, WY 82001-3663	(307) 772-2385

Gary Kowalczyk,

*Coordinator of National Service Programs,
Corporation for National and Community
Service.*

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DEPARTMENT OF DEFENSE

General Services Administration

**National Aeronautics and Space
Administration**

[OMB Control No. 9000-0102]

**Federal Acquisition Regulation;
Submission for OMB Review; Prompt
Payment**

AGENCIES: Department of Defense (DOD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Notice of request for public
comments regarding an extension to an
existing OMB clearance (9000-0102).

SUMMARY: Under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. Chapter 35), the Federal
Acquisition Regulation (FAR)
Secretariat has submitted to the Office
of Management and Budget (OMB) a
request to review and approve an
extension to a currently approved
information collection requirement
concerning prompt payment. A request
for public comments was published at
66 FR 22219, May 3, 2001. No
comments were received.

Public comments are particularly
invited on: Whether this collection of
information is necessary for the proper
performance of functions of the FAR,
and whether it will have practical
utility; whether our estimate of the
public burden of this collection of
information is accurate, and based on
valid assumptions and methodology;
ways to enhance the quality, utility, and
clarity of the information to be
collected; and ways in which we can
minimize the burden of the collection of
information on those who are to
respond, through the use of appropriate
technological collection techniques or
other forms of information technology.

DATES: Submit comments on or before
September 6, 2001.

ADDRESSES: Submit comments regarding
this burden estimate or any other aspect
of this collection of information,
including suggestions for reducing this
burden to: FAR Desk Officer, OMB,
Room 10102, NEOB, Washington, DC
20503, and a copy to the General
Services Administration, FAR
Secretariat, 1800 F Street, NW., Room
4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Jerry
Olson, Acquisition Policy Division, GSA
(202) 501-3221.

SUPPLEMENTARY INFORMATION:

A. Purpose

Part 32 of the FAR and the clause at
FAR 52.232-5, Payments Under Fixed-
Price Construction Contracts, require
that contractors under fixed-price
construction contracts certify, for every
progress payment request, that
payments to subcontractors/suppliers
have been made from previous
payments received under the contract
and timely payments will be made from
the proceeds of the payment covered by
the certification, and that this payment
request does not include any amount
which the contractor intends to
withhold from a subcontractor/supplier.
Part 32 of the FAR and the clause at
52.232-27, Prompt Payment for
Construction Contracts, further require
that contractors on construction
contracts—

(a) Notify subcontractors/suppliers of
any amounts to be withheld and furnish
a copy of the notification to the
contracting officer;

(b) Pay interest to subcontractors/
suppliers if payment is not made by 7
days after receipt of payment from the
Government, or within 7 days after
correction of previously identified
deficiencies;

(c) Pay interest to the Government if
amounts are withheld from
subcontractors/suppliers after the
Government has paid the contractor the
amounts subsequently withheld, or if
the Government has inadvertently paid
the contractor for nonconforming
performance; and

(d) Include a payment clause in each
subcontract which obligates the
contractor to pay the subcontractor for

satisfactory performance under its
subcontract not later than 7 days after
such amounts are paid to the contractor,
include an interest penalty clause which
obligates the contractor to pay the
subcontractor an interest penalty if
payments are not made in a timely
manner, and include a clause requiring
each subcontractor to include these
clauses in each of its subcontractors and
to require each of its subcontractors to
include similar clauses in their
subcontracts.

These requirements are imposed by
Public Law 100-496, the Prompt
Payment Act Amendments of 1988.

Contracting officers will be notified if
the contractor withholds amounts from
subcontractors/suppliers after the
Government has already paid the
contractor the amounts withheld. The
contracting officer must then charge the
contractor interest on the amounts
withheld from subcontractors/suppliers.
Federal agencies could not comply with
the requirements of the law if this
information were not collected.

B. Annual Reporting Burden

Respondents: 38,194.

Responses Per Respondent: 11.

Total Responses: 420,134.

Hours Per Response: .11.

Total Burden Hours: 46,215.

C. Annual Recordkeeping Burden

Recordkeepers: 34,722.

Hours Per Recordkeeper: 18.

Total Recordkeeping Burden Hours:
624,996.

Obtaining Copies of Proposals

Requester may obtain a copy of the
proposal from the General Services
Administration, FAR Secretariat (MVP),
1800 F Street, NW., Room 4035,
Washington, DC 20405, telephone (202)
501-4755. Please cite OMB Control No.
9000-0102, Prompt Payment, in all
correspondence.

Dated: July 31, 2001.

Al Matera,

Director, Acquisition Policy Division.

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