DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Waivers To Buy American Under the American Reinvestment and Recovery Act for Grants-in-Aid for Airports

AGENCY: Federal Aviation Administration (FAA), U.S. DOT.

ACTION: Notice of waiver to Buy American preferences for grants-in-aid project.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (ARRA) requires publication of the waivers that have been issued under ARRA. This notice provides information on the waivers that have been issued for Federal Aviation Administration grants-in-aid projects.

DATES: Effective Date: November 18, 2009.

FOR FURTHER INFORMATION CONTACT: Mr. Frank SanMartin, Manager, Airports Financial Assistance, APP 500, Room 620, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–3831.

SUPPLEMENTARY INFORMATION: Section 1605 of the American Reinvestment and Recovery Act requires that agencies meet Buy American requirements for the use of American iron, steel, and manufactured goods. It further requires that agencies publish a Federal Register notice giving a detailed written justification explaining any waivers that are given to the Buy American requirements of the Act.

Title XII of the Act provides $1,100,000,000 to make grants for airports. The Act requires that the grants issued by the Federal Aviation Administration follow the guidelines and requirements of subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code (U.S.C.). These subchapters require following 49 U.S.C. 50101, the Buy American Preferences section that is used for airport grants-in-aid projects.

Under 49 U.S.C. 50101(b)(3), the Secretary may waive the Buy American preference requirement if the Secretary finds that facility or equipment is composed of more than 60 percent components and subcomponents that are produced in the United States (U.S.) and that final assembly of the facility or equipment has occurred in the U.S. To meet Buy American requirements, airports using grant funding must seek a waiver from FAA to use any product that is not made up of 100 percent U.S. components or subcomponents.

However it is well known that many of the U.S. products used on airport grants projects contain some small percentage of non-U.S. goods. In order to help airports comply with Buy American, FAA has reviewed many of the most-commonly used airport products and determined whether the products are eligible to receive a waiver under 49 U.S.C. 50101(b)(3). Products that do meet the waiver criteria are granted a “Nationwide Waiver.” This “Nationwide Waiver” allows the product to be used on airport projects without having to receive separate project waivers. Having a nationwide waiver allows construction to start quickly without having to wait for the Buy American analysis to be completed for every project, while still assuring the funds used for airport projects under the Act are being directed to U.S. manufacturers.

Because of the “Nationwide Waiver,” only a handful of the over 300 airport projects under the Act have needed a waiver to Buy American. In nearly every case, the waivers were granted for products that were later granted nationwide waivers. Waivers were required simply because the Nationwide Buy American compliance review had not been completed. The remaining waivers are for items for which a nationwide waiver has not been issued.

The items that have been granted a “Nationwide Waiver” can be found on the FAA Web site at: http://www.faa.gov/airports/airport_authorizations/airport_contract_provisions/ at the tab entitled, Equipment Meeting Buy American Requirements.

Project waivers issued under ARRA, including those for which nationwide waivers have since been issued are as follows:
Tuscaloosa Regional Airport, Tuscaloosa, Alabama

St. Petersburg-Clearwater International Airport, Clearwater, Florida

Mid-Continent Airport, Wichita, Kansas

White Sulphur Springs Airport, White Sulphur Springs, Montana; Billings Logan International Airport, Billings, Montana.

Helena Regional Airport, Helena, Montana; Bowman Field Airport, Anaconda, Montana.

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Mitchell Municipal Airport, Mitchell, South Dakota

Muskegon County Airport, Muskegon, Michigan

Dayton International Airport, Dayton, Ohio

Bowman Field Airport, Anaconda, Montana

Palladin Light Construction Group

Lighted Closure “X”.

Various Products in Terminal

Building Construction.

Oshkosh Corporation Airport Rescue and Firefighting Vehicle.

Sherwin Williams Pavement Marking Glass Beads.

Liberty Airport Systems Regulator

Airport Lighting Company Edge Light.

Ridgeline Pipe Manufacturing PVC Conduit.

Crouse Hinds Lighting Equipment

Rosenbauer Airport Rescue and Firefighting Vehicle.

Oshkosh Industries Light Base

Airfield Signs

Dexter, Michigan.

Clearwater, Florida.

Oshkosh, Wisconsin.

Victorville, California and Canby, Oregon.

Lancaster, New York.

Manlius, New York.

Eugene, Oregon.

Mitchell Municipal Airport, Mitchell, SD.

Wyoming, Minnesota.

Atkinson, Nebraska.

AGM, Inc, Manlius, New York.


tier 2 tax rates for calendar year 2010 apply to compensation paid in calendar year 2010.

FOR FURTHER INFORMATION CONTACT:

Michelle R. Weigelt,
CC:TEGE:EOEG:ET1, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Telephone Number (202) 622–0047 (not a toll-free number).

TIER 2 TAX RATES: The tier 2 tax rate for 2010 under section 3201(b) on employees is 3.9 percent of compensation. The tier 2 tax rate for 2010 under section 3221(b) on employers is 12.1 percent of compensation. The tier 2 tax rate for 2010 is 12.1 percent of employee compensation.

Dated: November 18, 2009.

Nancy Marks,
Division Counsel/Associate Chief Counsel,
(Tax Exempt and Government Entities).

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Disability Compensation will meet on December 14–15, 2009, in the Carlton Ballroom at the St. Regis, 923 16th and K Streets, NW., Washington, DC, from 8:30 a.m. to 5 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising from service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule and give advice on the most appropriate means of responding to the needs of veterans relating to disability compensation.

On both days, the Committee will conduct a telephone conference meeting from 2 p.m. to 4 p.m. on Thursday, December 10, 2009, in Room 844 at VA Central Office, 810 Vermont Avenue, NW., Washington,