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GENERAL SERVICES ADMINISTRATION

41 CFR Part 301-8

[FTR Amendment 66]

RIN 3090-AG41

Federal Travel Regulation; Reimbursement of Higher Actual Subsistence Expenses in Special or Unusual Circumstances; Correction

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final rule, which was published in the **Federal Register** of Tuesday, June 3, 1997, (62 FR 30279). The final rule related to reimbursement of higher actual subsistence expenses in special or unusual circumstances.

DATES: Effective on May 1, 1997.

FOR FURTHER INFORMATION CONTACT: Jane E. Groat, 202-501-1538.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these corrections amended the Federal Travel Regulation (FTR) (41 CFR chapters 301-304) to allow an agency to authorize or approve travel up to 300 percent of the prescribed maximum per diem rate on an actual subsistence expense basis under certain special or unusual circumstances.

Need for correction

As published, the final rule contains information, which may prove to be misleading, and needs to be clarified.

List of Subjects in 41 CFR Part 301-8

Government employees, Travel, Travel allowances, Travel and transportation expenses.

Accordingly, 41 CFR Part 301-8 is corrected by making the following correcting amendments:

PART 301-8—REIMBURSEMENT OF ACTUAL SUBSISTENCE EXPENSES

1. The authority citation for part 301-8 continues to read as follows:

Authority: 5 U.S.C. 5707.

§ 301-8.3 [Corrected]

2. Section 301-8.3 is amended in paragraphs (a)(1) and (b)(1)(i) to remove

the phrase "150 percent" where it appears and to replace it with the phrase "300 percent"; by revising paragraph (b)(1)(ii) to read "The amount established by the Departments of Defense and State for travel outside CONUS."; by removing paragraph (c); by redesignating paragraph (d) as (c); by amending newly redesignated paragraph (c) to remove the phrase "paragraphs (a) through (c) of this section" where it appears and to replace it with the phrase "paragraphs (a) and (b) of this section".

3. Section 301-8.3(a)(2) is revised to read as follows:

* * * * *

(a) * * *

(1) * * *

(2) *Travel outside CONUS.* For travel outside CONUS, the maximum daily rate for subsistence expenses shall not exceed the amount prescribed by:

(i) The Department of Defense, Per Diem, Travel and Transportation Allowance Committee, for nonforeign areas, as set forth in Civilian Personnel Per Diem Bulletin No. 194; and

(ii) The Department of State, for foreign areas, as set forth in section 925, a per diem supplement to the U.S. Department of State Standardized Regulations (Government Civilians, Foreign Areas).

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Dated: August 5, 1997.

Peggy Wood,

Acting Director, Travel and Transportation Management Policy Division.

[FR Doc. 97-21051 Filed 8-8-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 97-1505]

Freedom of Information Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is modifying a section of the Commission's rules that implements the Freedom of Information Act (FOIA) fee schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

EFFECTIVE DATE: September 10, 1997.

FOR FURTHER INFORMATION: Judy Boley, Freedom of Information Act Officer, Office of Performance Evaluation and Records Management, Room 234, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554, (202) 418-0210.

SUPPLEMENTARY INFORMATION: The FCC is modifying § 0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the Freedom of Information Act (FOIA). The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA fee schedule on the grade level of the employee who processes the request. Thus, the fee schedule was computed at a Step 5 of each grade level based on the General Schedule effected January 1997. The instant revisions correspond to modifications in the rate of pay recently approved by Congress.

Regulatory Procedures

This final rule has been reviewed under Executive Order No. 12866 and has been determined not to be a "significant rule" since it will not have an annual effect on the economy of \$100 million or more.

In addition, it has been determined that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 47 CFR Part 0

Freedom of information.
Federal Communications Commission.
William F. Caton,
Acting Secretary.

Rule Changes

Part 0 of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 155, 255, unless otherwise noted.

2. Section 0.467 is amended by revising the table in paragraph (a)(1) and its note, and paragraph (a)(2) to read as follows:

§ 0.467 Search and review fees.

(a)(1) * * *

Grade	Hourly fee
GS-1	8.84
GS-2	9.62
GS-3	10.85
GS-4	12.18
GS-5	13.62
GS-6	15.09
GS-7	16.87
GS-8	18.70
GS-9	20.64
GS-10	22.74
GS-11	24.98
GS-12	29.94
GS-13	35.60
GS-14	42.07
GS-15	49.49

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at step 5 of each grade level based on the General Schedule effective January 1997 and include 20 percent for personnel benefits.

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INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Chapter 7, Appendix J

[AIDAR Notice 97-3]

RIN 0412-AA-35

Direct USAID Contracts for Personal Services Abroad

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation is being amended by revising and updating Appendix J, "Direct-USAID Contracts—with Cooperating Country Nationals and With Third Country Nationals for Personal Services Abroad" in its entirety.

DATES: This rule is effective September 10, 1997.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia L. Bullock, Office of Procurement, Policy Division (M/OP/P),

USAID, Room 1600A, SA-14, Washington, D.C. 20523-1435, (703) 875-1534.

SUPPLEMENTARY INFORMATION: The Aid Acquisition Regulation is being amended to make the following changes in Appendix J: (1) change references to USAID's Handbook System, when possible, to the respective numbered reference in the Automated Directives System (ADS); (2) change language to reflect the new identification of work in the New Management System (NMS); (3) revise the Cover Page to reflect the Coding in the NMS, as well as other administrative changes; (4) incorporate a new Cover Page; (5) remove the Prompt Pay language; (6) add FAR Clauses which were inadvertently dropped; (7) provide clarification regarding what authorities, duties and responsibilities Cooperating Country Nationals (CCNs) or Third Country Nationals (TCNs) may have delegated to them; and (8) provide for Meritorious step-increases for CCNs provided the granting of such increases is the general practice locally in each country.

The changes being made by this rule are not considered "significant" under FAR 1.301 or FAR 1.501, and public comments have not been solicited. This rule will not have an impact on a substantial number of small entities or require any information collection, as contemplated by the Regulatory Flexibility Act or the Paperwork Reduction Act respectively. Because of the nature and subject matter of this rule, use of the proposed rule/public comment approach was not considered necessary. We decided to issue as a final rule; however, we welcome public comment on the material covered by this Notice or any other part of the AIDAR at anytime. Comments or questions may be addressed as specified in the **FOR FURTHER INFORMATION CONTACT** section of the Preamble.

Accordingly, for the reasons set forth above and under the authority of 22 U.S.C. 2381, as amended and E.O. 12163 of Sept. 29, 1979, Appendix J of 48 CFR Chapter 7 is revised to read as follows:

Appendix J—Direct USAID Contracts With a Cooperating Country National and With a Third Country National for Personal Services Abroad

1. General

(a) *Purpose.* This appendix sets forth the authority, policy, and procedures under which USAID contracts with cooperating country nationals or third country nationals for personal services abroad.

(b) *Definitions.* For the purpose of this appendix:

(1) Personal services contract (PSC) means a contract that, by its express terms or as administered, make the contractor personnel appear, in effect, Government employees (see FAR 37.104).

(2) Employer-employee relationship means an employment relationship under a service contract with an individual which occurs when, as a result of (i) the contract's terms or (ii) the manner of its administration during performance, the contractor is subject to the relatively continuous supervision and control of a Government officer or employee.

(3) Non-personal services contract means a contract under which the personnel rendering the services are not subject either by the contract's terms or by the manner of its administration, to the supervision and control usually prevailing in relationships between the Government and its employees.

(4) Independent contractor relationship means a contract relationship in which the contractor is not subject to the supervision and control prevailing in relationships between the Government and its employees. Under these relationships, the Government does not normally supervise the performance of the work, or the manner in which it is to be performed, control the days of the week or hours of the day in which it is to be performed, or the location of performance.

(5) Contractor means a cooperating country national or a third country national who has entered into a contract pursuant to this appendix.

(6) Cooperating country means the country in which the employing USAID Mission is located.

(7) Cooperating country national (CCN) means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

(8) Third Country National (TCN) means an individual

(i) who is neither a citizen nor a permanent legal resident alien of the United States nor of the country to which assigned for duty, and

(ii) who is eligible for return to his/her home country or country of recruitment at U.S. Government expense [see Section 12, General Provision 9 paragraph (n)].

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended, hereinafter referred to as the "FAA", provides the Agency's contracting authority.