

initiated or conducted under the contract. In some limited instances outside the U.S., alternative systems for the protection of human subjects may be used provided they are deemed "at least equivalent" to those outlined in Part 225 (see 22 CFR 225.101(h)). Criteria and procedures for making this determination are described in the General Notice cited in the preceding paragraph.

(c) Since the welfare of the research subject is a matter of concern to USAID as well as to the contractor, USAID staff, consultants and advisory groups may independently review and inspect research, and research processes and procedures involving human subjects, and based on such findings, the CHSO may prohibit research which presents unacceptable hazards or otherwise fails to comply with USAID procedures. Informed consent documents must include the stipulation that the subject's records may be subject to such review.

752.7017 [Amended]

55. Section 752.7017 is amended by removing "Chapter 5 of AID Handbook 1, Supplement B" in paragraph (b) and replacing it with "Chapter 310 of the AID Automated Directives System (ADS)".

752.7018 [Amended]

56. Section 752.7018 is amended by removing "Office of International training, AID" in paragraph (b) and replacing it with "Human Capacity Development Center in the Bureau for Global Programs Field Support and Research (G/HCD0), AID/W" and by removing "Office of International Training" in both paragraphs (d) and (d)(1) and replacing it with "Human Capacity Development Center".

57. Section 752.7019 is amended by removing paragraph (g), by revising the reference to "(g)" in the introductory paragraph of the section and in the undesignated paragraph following paragraph (c) of the clause to read "(f)", and by revising the clause date and paragraphs (b), (c), and (d)(2), to read as follows:

752.7019 Participant Training.

Participant Training (July 1996)

(b) Applicable regulations. Proposals for contracts involving training of AID participants, and participant training conducted under an AID contract shall follow the policies established in Chapter 253 of the AID Automated Directive System (ADS)—"Training for Development Impact" except to the extent that specific exceptions to ADS Chapter 253 have been provided in this contract. (Chapter 253 may be obtained by submitting a request to the Human Capacity Development Center (G/HCD), at the address specified in paragraph (c) of this section.)

(c) Reporting requirement. Once each month the Contractor shall submit three

copies of form AID 1381-4, "Participant Data Form" to the Human Capacity Development Center (G/HCD) Bureau for Global Programs Field Support and Research, USAID, Washington, DC 20523-1601.

* * * * *

(d) * * *
(2) Cost of technical preparation and photocopying of papers and dissertations, allowances for required textbooks, the titles of which will be approved by the Contractor.

* * * * *

58. Section 752.7028 is amended by revising the date of the clause; removing "Contractor employees" in the third sentence of paragraph (a) and replacing it with "regular employees of the Contractor"; by removing "living quarters allowance" in the second and third sentence of paragraph (b) and replacing it with "temporary quarters subsistence allowance"; and revising paragraph (c) to read as follows:

752.7028 Differential and allowances.

* * * * *

Differentials and Allowances (July 1996)

* * * * *

(c) *Temporary quarters subsistence allowance.* Temporary quarters subsistence allowance is a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his family for a period not in excess of (i) 90 days after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier, and (ii) 30 days immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters, unless an extension is authorized in writing by the Mission Director. The Contractor will be reimbursed for payments made to employees and authorized dependents for temporary quarters subsistence allowance, in lieu of living quarters allowance, not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 120, as from time to time amended.

* * * * *

59. Appendix A to Chapter 7 is amended as follows:

(A) In paragraph 2(a), by removing the fourth sentence and "whether it is to be" in the sixth sentence, and by removing "project" and replacing it with "activity" in the last sentence.

(B) By revising paragraph 2(b) to read as follows:

Appendix A—Respective Roles of Contracting and Other Personnel in the Aid Procurement Process

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2. Planning, Competition, Negotiation, and Award

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(b) Contracting personnel act upon requirements which are formulated by the

planning, technical, and research offices of the Agency. Contracting officers obtain the information they need on technical requirements by questions and discussions with the planning, technical, and research offices of the Agency. If a contract is to be tenable, the end result which is desired must be described with completeness and exactitude. The statement of work must be explicit; otherwise the contracting officer cannot assure terms in a contract by which the desired action can be enforced. If the requiring office cannot provide a point of departure in these terms and deliver to the contracting officer a clear-cut description of the purpose and outline the limits of the statement of work, results may be disappointing and the possibility of deferring the activity until these elements can be given more concrete dimensions should be considered. Finally, the requiring office should insure that the statement of work and funding information are delivered to the contracting officer with sufficient lead time to allow for proper preparation and planning of the procurement. Under most circumstances, the specific amount of funds which the Agency has available to support a contract shall not be made known to a prospective contractor; however, when a performance-based contract is planned, the contracting officer may decide that it is necessary to reveal in the announcement (CBD notice) and in the solicitation the Government estimate, or a narrow range of expected costs, in order to obtain goods and services of the highest affordable technical quality, and to ensure that offerors do not propose elaborate programs that cannot be financed by USAID.

* * * * *

(C) In paragraph 2(c), replace "scopes" with "statements" in the last sentence.

Dated: May 21, 1996.

Marcus L. Stevenson,
Procurement Executive.

[FR Doc. 96-18495 Filed 7-25-96; 8:45 am]

BILLING CODE 6116-01-M

GENERAL SERVICES ADMINISTRATION

Board of Contract Appeals

48 CFR Part 6103

RIN 3090-AG05

Rules of Procedure for Transportation Rate Cases

AGENCY: Board of Contract Appeals,
General Services Administration.

ACTION: Interim rule.

SUMMARY: This document specifies the rules of procedure of the GSA Board of Contract Appeals applicable to the Board's review of claims made by a carrier or freight forwarder pursuant to 31 U.S.C. 3726(g)(1). The rules are intended to implement section 211 of

the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), which transfers certain functions of the Comptroller General to the Office of Management and Budget (OMB), and which OMB has delegated to the General Services Administration. The Board requests written comments on the rules, which will expire one year from the date of publication in the Federal Register.

DATES: This rule is effective July 26, 1996. Comments must be submitted on or before January 22, 1997.

ADDRESSES: Written comments concerning this interim rule may be mailed to Margaret S. Pfunder, GSA Board of Contract Appeals, 18th & F Streets, N.W., Washington, DC 20405, or sent electronically by using the following Internet address: Margaret.Pfunder@gsa.gov.

FOR FURTHER INFORMATION CONTACT: Margaret S. Pfunder, Deputy Chief Counsel, GSA Board of Contract Appeals, (202) 501-0272.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The General Services Administration certifies that these revisions will not 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.*).

B. Paperwork Reduction Act

The Paperwork Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

C. Background

Effective June 30, 1996, section 211 of the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. Effective the same date, the Director delegated the function contained in 31 U.S.C. 3726(g)(1)—the authority to review claims made by a carrier or freight forwarder—to the Administrator of General Services, who redelegated that function to the Chairman of the GSA Board of Contract Appeals. In addition, the Administrator of General Services has delegated to the Board the authority to adopt and issue rules necessary for the resolution of these claims. This interim rule has been

approved by majority vote of the Board's members.

List of Subjects in 48 CFR Part 6103

Administrative practice and procedure, Freight forwarders, Government procurement.

For the reasons set out in the preamble, 48 CFR Part 6103 is added to read as follows:

PART 6103—RULES OF PROCEDURE FOR TRANSPORTATION RATE CASES

Sec.

- 6103.1 Scope [Rule 301].
- 6103.2 Filing claims [Rule 302].
- 6103.3 Responses to claims [Rule 303].
- 6103.4 Reply to OTA and agency responses [Rule 304].
- 6103.5 Proceedings [Rule 305].
- 6103.6 Decisions [Rule 306].
- 6103.7 Reconsideration of Board decision [Rule 307].
- 6103.8 Payment of successful claims [Rule 308].

Authority: Sec. 211, Pub. L. 104-53, 109 Stat. 535; 31 U.S.C. 3726(g)(1); 41 U.S.C. 601-613.

§ 6103.1 [Rule 301].

(a) *Authority.* Section 211 of the Legislative Branch Appropriations Act, 1996, Public Law 104-53, transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. The Director has delegated the function contained in 31 U.S.C. 3726(g)(1) to the Administrator of General Services, who has redelegated that function to the General Services Administration Board of Contract Appeals.

(b) *Type of claim; review of claim.* These procedures are applicable to the review of claims made by a carrier or freight forwarder pursuant to 31 U.S.C. 3726(g)(1). The Board will issue the final agency decision on a claim based on the information submitted by the claimant, the General Services Administration Office of Transportation Audits (OTA), and the department or agency (the agency) for which the services were provided. The burden is on the claimant to establish the timeliness of its claim, the liability of the agency, and the claimant's right to payment.

§ 6103.2 Filing claims [Rule 302]

(a) *Form.* A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the

amount sought. The request should also include:

- (1) The name, address, telephone number, and facsimile machine number, if available, of the claimant;
 - (2) The Government bill of lading or Government transportation request number;
 - (3) The claimant's bill number;
 - (4) The Government voucher number and date of payment;
 - (5) The OTA claim number;
 - (6) The agency for which the services were provided; and
 - (7) Any other identifying information.
- (b) *Notice of docketing.* A request for review will be docketed by the Office of the Clerk of the Board, and a written notice of docketing will be sent promptly to the claimant, the Director of OTA, and the agency for which the services were provided. The notice of docketing will identify the judge to who the claim has been assigned.

§ 6103.3 Responses to claims [Rule 303].

(a) Within 30 calendar days after docketing by the Board, OTA and the agency for which the services were provided shall each submit to the Board:

- (1) A simple, concise, and direct statement of its response to the claim;
- (2) Citations to applicable statutes, regulations, and cases; and
- (3) Any additional information deemed necessary to the Board's review of the claim.

(b) A copy of these submissions shall also be sent to the claimant.

§ 6103.4 Reply to OTA and agency responses [Rule 304].

If the claimant wishes to reply to the OTA or agency responses it must inform the Board within 10 calendar days after receiving the responses. The judge will establish the time frame for submission of the reply.

§ 6103.5 Proceeding [Rule 305].

(a) *Conferences.* The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant, OTA, and the agency at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(b) *Additional submissions.* The judge may require the submission of additional information at any time.

§ 6103.6 Decisions [Rule 306].

The judge will issue a written decision based upon the record, which includes submissions by the claimant, OTA, and the agency, and information provided during conferences.

§ 6103.7 Reconsideration of Board decision [Rule 307].

(a) A request for reconsideration may be made by the claimant, OTA, or the agency. Such requests must be received by the Board within 15 calendar days after the date the decision was issued. The request for reconsideration should state the reasons why the Board should consider the request.

(b) Requests for reconsideration are not favored. Mere disagreement with a decision or re-argument of points already made are not sufficient grounds for reconsidering the decision.

§ 6103.8 Payment of successful claims [Rule 308].

The agency for which the services were provided shall pay amounts the Board determines are due the claimant.

Dated: July 18, 1996.

Stephen M. Daniels,
Chairman, GSA Board of Contract Appeals.
[FR Doc. 96-18654 Filed 7-25-96; 8:45 am]

BILLING CODE 6820-AL-M

48 CFR Part 6104

RIN 3090-AG06

Board of Contract Appeals; Rules of Procedure for Travel and Relocation Expenses Cases

AGENCY: Board of Contract Appeals, General Services Administration.

ACTION: Interim rule.

SUMMARY: This document specifies the rules of procedure of the GSA Board of Contract Appeals applicable to the Board's review of claims made by federal civilian employees against the United States for reimbursement of expenses incurred while on temporary duty travel or in connection with relocation to a new duty station. The rules are intended to implement section 211 of the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), which transfers certain functions of the Comptroller General to the Office of Management and Budget (OMB), and which OMB has delegated to the General Services Administration. The Board requests written comments on the rules, which will expire one year from the date of publication in the Federal Register.

DATES: This rule is effective July 26, 1996. Comments must be submitted on or before January 22, 1997.

ADDRESSES: Written comments concerning this interim rule may be mailed to Margaret S. Pfunder, GSA Board of Contract Appeals, 18th and F Streets, NW., Washington, DC 20405, or

sent electronically by using the following Internet address:
Margaret.Pfunder@gsa.gov.

FOR FURTHER INFORMATION CONTACT:

Margaret S. Pfunder, Deputy Chief Counsel, GSA Board of Contract Appeals, (202) 501-0272.

SUPPLEMENTARY INFORMATION:**A. Regulatory Flexibility Act**

The General Services Administration certifies that these revisions will not 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.).

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 501 et seq.

C. Background

Effective June 30, 1996, section 211 of the Legislative Branch Appropriations Act, 1996 (Pub. L. 104-53), transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. Effective the same date, the Director delegated some of the functions contained in 31 U.S.C. 3702—the authority to review claims made against the United States for reimbursement of expenses incurred by federal civilian employees while on official temporary duty travel or in connection with relocation to a new duty station—to the Administrator of General Services, who redelegated that function to the Chairman of the GSA Board of Contract Appeals. In addition, the Administrator of General Services has delegated to the Board the authority to adopt and issue rules necessary for the resolution of these claims. This interim rule has been approved by majority vote of the Board's members.

List of Subjects in 48 CFR Part 6104

Administrative practice and procedure, Government procurement, Travel and transportation expenses.

For the reasons set out in the preamble, 48 CFR Part 6104 is added to read as follows:

PART 6104—RULES OF PROCEDURE FOR TRAVEL AND RELOCATION EXPENSES CASES**Sec.**

- 6104.1 Scope [Rule 401].
- 6104.2 Filing claims [Rule 402].
- 6104.3 Response to claim [Rule 403].
- 6104.4 Reply to agency response [Rule 404].
- 6104.5 Proceedings [Rule 405].
- 6104.6 Decisions [Rule 406].
- 6104.7 Reconsideration of Board decision [Rule 407].
- 6104.8 Payment of successful claims [Rule 408].

Authority: Sec. 211, Pub. L. 104-53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 601-613.

§ 6104.1 Scope [Rule 401].

(a) *Authority.* Section 211 of the Legislative Branch Appropriations Act, 1996, Pub. L. 104-53, transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. The Director has delegate some of the functions contained in 31 U.S.C. 3702 to the Administrator of General Services, who has redelegated those functions to the General Services Administration Board of Contract Appeals.

(b) *Types of claims.* These procedures are applicable to the review of two types of claims made against the United States:

- (1) Claims for reimbursement of expenses incurred while on official temporary duty; and
- (2) Claims for reimbursement of expenses incurred in connection with relocation to a new duty station.

(c) *Review of claims.* Any claim for entitlement to travel or relocation expenses must first be filed with the claimant's own department or agency (the agency). The agency shall initially adjudicate the claim. A claimant disagreeing with the agency's determination may request review of the claim by the Board. The burden is on the claimant to establish the timeliness of the claim, the liability of the agency, and the claimant's right to payment. The Board will issue the final decision on a claim based on the information submitted by the claimant and the agency.

§ 6104.2 Filing claims [Rule 402].

(a) *Filing claims.* A claim may be sent to the Board in either of the following ways:

- (1) *Claim filed by claimant.* A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The