

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants)

51 FR 16958 (May 7, 1986)—NIH Guidelines for Research Involving Recombinant DNA Molecules. [Note: this policy is subject to change, and interested persons should contact the Office of Recombinant DNA Activities, NIH, Suite 323, 6000 Executive Boulevard, MSC 7052, Bethesda, MD 20892-7052, (301) 496-9838 (not a toll-free number) to obtain references to the current version and any amendments.]

Subpart B—Institutional Grants

11. Section 66.201 would be revised to read as follows:

§ 66.201 Applicability.

The regulations in this subpart apply to grants under section 487 of the Public Health Service Act, as amended (42 U.S.C. 288), to public institutions and to nonprofit private institutions to enable those institutions to make National Research Service Awards to individuals for research and training to undertake research, in programs specified in section 487 of the Act.

12. Section 66.205 would be amended by revising paragraphs (a)(1), (a)(2), and (b) to read as follows:

§ 66.205 Requirements.

(a) * * *

(1) For any award made for an individual's initial twelve months of NRSA postdoctoral research training, the individual has assured the Secretary, in the form and manner the Secretary may prescribe, that he or she will satisfy the requirements of § 66.110 of subpart A of this part;

(2) The individual is a citizen or noncitizen national of the United States or has been lawfully admitted to the United States for permanent residence at the time of the award;

* * * * *

(b) No Award shall be made to an individual under such grant which would provide that individual with aggregate support in excess of five years for predoctoral training and three years for postdoctoral training, unless the Secretary for good cause shown as provided in § 66.106(e) of subpart A of this part, waives the application of the limitation with respect to that individual;

* * * * *

13. Section 66.206 would be amended by revising paragraph (a)(3) introductory text to read as follows:

§ 66.206 Grant awards.

(a) * * *

(3) Whose proposed programs would, in the judgment of the Secretary, best

promote the purposes of section 487(a)(1)(B) of the Act, taking into consideration among other pertinent factors:

* * * * *

14. Section 66.207 would be amended by revising the entries for 45 CFR part 74, 45 CFR part 76, and 48 FR 24556; and adding an entry for 42 CFR part 50, subpart F, immediately following the entry "42 CFR part 50, subpart D" and an entry for 51 FR 16958 (May 7, 1986) to read as follows:

§ 66.207 Other HHS regulations and policies that apply.

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42 CFR part 50, subpart F—Responsibility of applicants for promoting objectivity in research for which PHS funding is sought.

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45 CFR part 74—Uniform administrative requirements for awards and subawards to institutions of higher education, hospitals, other nonprofit organizations, and commercial organizations; and certain grants and agreements with states, local governments and Indian tribal governments.

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45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants).

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[GSAR Notice 5-420]

RIN 3090-AH01

Acquisition of Leasehold Interests in Real Property; Historic Preference

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to amend the General Services Administration Acquisition Regulations (GSAR) by revising the provision at 552.270-4, Historic Preference.

DATES: Comments should be submitted on or before August 30, 1999 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, Office of Acquisition Policy, GSA Acquisition Policy Division (MVP), 1800 F Street, NW, Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Nydia M. Coleman, GSA Acquisition Policy Division, (202) 208-0759.

SUPPLEMENTARY INFORMATION:

A. Background

Executive Order (EO) 13006, dated May 21, 1996, requires that the Federal Government utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts. Towards that end, the EO establishes that Federal agencies give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Based on the requirements of the EO, the GSAR provision has been revised to establish a hierarchy of consideration and to give a price evaluation preference for those considerations.

B. Executive Order 12866

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This proposed rule is not expected to 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.*, because the rule merely implements an existing EO and imposes no new requirements.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the GSAR do not impose recordkeeping or information collection requirements, or collections of

information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 552

Government procurement.

Accordingly, it is proposed that 48 CFR Part 552 be amended as follows:

1. Authority 40 U.S.C. 486(c).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 552.2 Text of Provisions and Clauses

2. Section 552.270–4 is revised to read as follows:

552.270–4 Historic Preference.

As prescribed in section 570.702(b), insert the following provision:

HISTORIC PREFERENCE (—1999)

(a) Preference will be given to offers of space in historic properties following this hierarchy of consideration:

- (1) Historic properties within historic districts
- (2) Developed and undeveloped sites within historic districts,
- (3) Historic properties outside of historic districts.

(b) Historic property means any district, site, building, structure, or object that is included in or eligible for the National Register. Historic District means any business area, industrial area, neighborhood, rural area, or other complex of buildings, structures, sites, objects, and/or landscape features that is included in or eligible for inclusion in the National Register of Historic Places. Historic properties and districts include those determined eligible by GSA or a State Historic Preservation Officer, or designated by any State, local or Indian tribal government under pertinent State, local or tribal law.

(c) The offer for space must meet the terms and conditions of this solicitation. (It is within the discretion of the Contracting Officer to accept alternatives to certain architectural characteristics and safety features defined elsewhere in this solicitation to maintain the historical integrity of the building such as high ceilings, wooden floors, etc.)

(d) Where award will be based on the lowest price technically acceptable source selection process, a 10 percent price evaluation preference, based on the total annual square foot (ANSI/BOMA usable) cost to the Government, will be given to historic properties as follows:

- (1) First to suitable historic properties within historic districts,
- (2) If no suitable historic property within an historic district is offered, or the 10 percent preference does not result in the lowest acceptable offer, the preference will

then be given to suitable developed or undeveloped sites within historic districts.

(3) Finally, if no suitable developed or undeveloped site within an historic district is offered, or the 10 percent preference does not result in the low offer, the preference will then be given to historic properties outside of historic districts.

(e) Where award will be made based on a tradeoff process of source selection which permits tradeoffs among cost or price and non-cost factors, a 10 percent price evaluation preference, based on the total annual square foot (ANSI/BOMA usable) cost to the government, will be given to historic properties as follows:

(1) First to suitable historic properties within historic districts.

(2) If no suitable historic property within an historic district is offered, or is eliminated from the competition, the preference will then be given to suitable developed or undeveloped sites within historic districts.

(3) Finally, if no suitable developed or undeveloped site within an historic district is offered, or is eliminated from the competition, the preference will then be given to historic properties outside of historic districts.

(End of Provision)

Dated: June 23, 1999.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

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