

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

2. Amend §§ 97.23, 97.27, 97.33, and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

. . . Effective Jan. 1, 1998

Ozark, AL, Blackwell Field, VOR or GPS RWY 30, Amdt 6A CANCELLED

Ozark, AL, Blackwell Field, VOR RWY 30, Amdt 6A

Crookston, MN, Crookston Muni-Kirkwood Field, VOR or GPS RWY 31, Amdt 4A CANCELLED

Crookston, MN, Crookston Muni-Kirkwood Field, VOR RWY 31, Amdt 4A

Coshocton, OH, Richard Downing, VOR/DME RNAV or GPS RWY 22, Amdt 4 CANCELLED

Coshocton, OH, Richard Downing, VOR/DME RNAV RWY 22, Amdt 4

Marshall, TX, Harrison County, VOR/DME RNAV or GPS RWY 33, Amdt 1B CANCELLED

Marsahall, TX, Harrison County, VOR/DME RNAV RWY 33, Amdt 1B

[FR Doc. 97-31360 Filed 11-28-97; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

Miscellaneous Revisions to the NASA Grant and Cooperative Agreement Handbook, Section A

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The NASA Grant and Cooperative Agreement Handbook regulation is published in the Code of Federal Regulations. This is a final rule to amend the Handbook to: Redefine certain grant terms to eliminate ambiguities; clarify definitions and proposal and certification requirements relative to action type; raise the subcontract consent level from \$25,000 to \$100,000; clarify when it is necessary to obtain a revised budget proposal for competitively selected research grants; reduce the level of detail required for proposed travel costs; waive the requirement for Grant Officer approval of competitively selected research grants where 50 percent or more of the proposed funding is for equipment or travel; and clarify the requirements for proposal and approval procedures to permit the direct charge of general purpose equipment.

EFFECTIVE DATE: December 1, 1997.

FOR FURTHER INFORMATION CONTACT: Donna Fortunat, NASA, Office of Procurement, Contract Analysis Division (Code HC), (202) 358-0426.

SUPPLEMENTARY INFORMATION:

Background

The NASA Grant and Cooperative Agreement Handbook is the NASA regulation for awarding and administering grants and cooperative agreements (14 CFR part 1260). Subpart A provides the text of provisions and special conditions and addresses NASA's authority, definitions, applicability, amendments, publications, deviations, pre-award requirements and post-award requirements.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paper Reduction Act.

List of Subjects in 14 CFR Part 1260

Grant programs—science and technology, Reporting and recordkeeping requirements, Research.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 14 CFR Part 1260 is amended as follows:

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

1. The authority citation for 14 CFR Part 1260 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1), Pub. 2.97-258, 96 Stat. 1003 (31 U.S.C. 6301 *et seq.*), and OMB Circular A-110.

2. In section 1260.2, the definitions "Extension" and "Supplement" are removed, and the following definition "Amendment" is added in alphabetical order to read as follows:

§ 1260.2 Definitions.

* * * * *

Amendment. Any document used to effect modifications to grants and cooperative agreements. Amendments may be issued unilaterally at the discretion of the Grant Officer.

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3. In section 1260.11, paragraphs (d) and (e)(1) are revised and paragraph (e)(3) is added to read as follows:

§ 1260.11 Evaluation and selection.

* * * * *

(d) *Equipment justification on travel justification.* Unless the proposal is selected using a competitive process, for example, a NASA Research Announcement or a Cooperative Agreement Notice, these documents will be submitted by the technical office for grant officer approval when more than half of the proposed budget is for equipment or travel and associated indirect cost. The justification shall describe the extent to which the equipment or travel is necessary.

(e) *Proposal budget evaluation.* (1) The technical officer will review the recipients' estimated cost for conformance to program requirements and funds availability. The results of this review shall be recorded in Column B of the proposed Budget Summary Form (Exhibit C). New budgets are not required when the program office recommended funding is within 20 percent of the proposed amount, provided specific proposed objectives have not been added or deleted. However, when equipment and/or subcontracts are involved, the cognizant program office is required to identify the cost element(s) affected by the change in funding level.

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(3) The grant officer will address requests for direct charge of general purchase equipment in a negotiation summary and indicate whether the proposed purchase is approved as a direct cost.

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4. Section 1260.13 is revised to read as follows:

§ 1260.13 Award procedures.

(a) *Award instruments*—(1) *Annual grant.* Grant may be awarded for a short term (e.g., on an annual basis).

(2) *Multiple year grant.* NASA policy is to make maximum use of multiple year grants to support research projects that may span several years. A multiple year grant is generally selected for a period of three years in keeping with NASA's policy calling for research to be peer reviewed at least every three years.

(i) If the decision to provide multiple year funding to a research proposal is made, the special condition in § 1260.52, "Multiple Year Grants", will be included in the award.

(ii) Periods approved under the Multiple Year Grants special condition in § 1260.52, and funded at the levels specified in the special condition, are not considered to be new awards. Therefore, new proposals, new proposal-related certifications (such as Drug Free Workplace and Debarment and Suspension) and new technical evaluations are not required.

(iii) If NASA program constraints or developments within the research project dictate a reduction in the funding level specified under a multiple year grant period, research may continue at the reduced level under the terms of the special condition; however, the recipient may rebudget under the grant provisions to keep the project within the funding actually provided.

(3) *Supplements.* A supplement to a grant may be issued at any time when work is introduced which is outside the scope of the approved proposal; or when there is a need for substantial unanticipated funding. Supplements require the submission of revised budget proposals and technical evaluations. Since Supplements will be performed within the existing period of performance, certifications will not normally be required.

(4) *Extensions.* Grant may be extended beyond the expiration date in accordance with § 1260.22, "Extensions", if additional time beyond the established period of performance is required to assure adequate completion of the original scope of work within the available funding.

(5) *Renewals.* Grant renewals provide for continuation of research beyond the original scope, period of performance and funding levels; therefore, new proposals, certifications and technical evaluations are required prior to the execution of a grant renewal. Continued performance within a period specified under the Multiple Year Grants special condition does not constitute a renewal. Peer review of the continuing research should be accomplished prior to selecting a research grant for renewal. The Multiple Year Grant special condition may be incorporated into renewals.

(b) *Funding arrangements.* While NASA normally provides full funding support for research grants, alternate methods of grant funding are as follows:

(1) *Cost sharing.* Since NASA grant recipients usually gain no measurable benefit from grants other than conducting research, cost sharing for research grants is not generally required. NASA may, however, accept cost sharing when voluntarily offered. Additionally, in instances when the Grant Officer determines that the recipient will benefit from research results through sales to non-Federal entities, cost sharing based upon this mutuality of interest will apply (see § 1260.123). When cost sharing is used, the Grant Officer shall insert a special condition substantially as shown in § 1260.54, "Cost Sharing."

(2) *Partial support.* NASA may provide partial support for a research

project or conference where additional funding is being provided by other Federal agencies. If the grant also involves cost sharing by the recipient, the Grant Officer will ensure that the recipient's share does not include any Federal funds.

5. In § 1260.32 the clause heading and paragraphs (a) and (c) are revised and a bracket line is added at the end of the section to read as follows:

§ 1260.32 Subcontracts.

Subcontracts (November 1997)

(a) For all subcontracts over \$100,000, the recipient shall provide the following to the NASA grant officer for approval:

- (1) A copy of the proposed subcontract.
- (2) The basis for subcontractor selection.
- (3) Justification for lack of competition when competitive bids or offers are not obtained.

(4) The subcontract budget and basis for subcontract cost or price.

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(c) All contracts awarded by a recipient, including small purchases, shall contain the provisions in appendix A of subpart B of this part.

[End of provision]

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DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[A.G. Order No. 2130-97]

Organization; Approval of Charges Under the Economic Espionage Act of 1996

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends Part 0 of Title 28, Code of Federal Regulations, to require that the United States may not file charges under the Economic Espionage Act of 1996 (EEA), or use a violation of the EEA as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General in charge of the Criminal Division (or the Acting Official in each of these positions if a position is filled by an Acting official).

EFFECTIVE DATE: November 20, 1997.

FOR FURTHER INFORMATION CONTACT: Bert Brandenburg, Director, Office of Public Affairs, U.S. Department of Justice, Washington, DC 20530, (202) 616-2777.

SUPPLEMENTARY INFORMATION: This order pertains to a matter of internal Department management. It does not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). This rule is not a "significant regulatory action" under Executive Order 12866; accordingly, it has not been reviewed by the Office of Management and Budget. It is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Act of 1996. Finally, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment pursuant to Executive Order 12612.

List of Subjects in 28 CFR Part 0

Authority delegations (government agencies), Government employees, Organizations and functions (government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part 0 of Title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

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

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515-519.

2. Section 0.64-5 is added to read as follows:

§ 0.64-5 Policy with regard to bringing charges under the Economic Espionage Act of 1996, Pub. L. 104-294, effective October 11, 1996.

The United States may not file a charge under the Economic Espionage Act of 1996 (EEA), Pub. L. 104-294, 110 Stat. 3488, 18 U.S.C. 1831 *et seq.*, effective October 11, 1996, or use a violation of the EEA as a predicate offense under any other law, without the personal approval of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General of the Criminal Division (or the Acting official in each of these positions if a position is filled by an Acting Official). Violations of this regulation are appropriately sanctionable and will be reported by the Attorney General to the Senate and House Judiciary Committees. Responsibility for reviewing proposed charges under the EEA rests with the Computer Crime and Intellectual Property Section, Criminal Division, which will consult with the Internal Security Section, Criminal Division, in cases involving charges under 18 U.S.C.