

(B) agency failure to advise a new employee and/or invited or infrequent traveler of proper procedures for purchasing transportation services.

(ii) If a cash purchase is determined to have been made under a nonemergency circumstance, reimbursement shall not exceed the cost which would have been properly chargeable to the Government if the transportation services had been procured using one of the Government-provided methods of procurement. Should a Federal employee make cash purchases without just cause or deliberately attempt to circumvent use of GSA air or rail service programs for personal convenience or some other reason not consistent with sound travel management practices, the agency may, as provided in 31 U.S.C. 3702, send all documents related to the travel to the Comptroller General, General Accounting Office, Claims Section, Washington, DC 20548, for a decision on the traveler's right to reimbursement.

(2) Delegation of authority for authorizing and approving the use of cash in excess of \$100 for the procurement of transportation services shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances. Any such delegation shall be made in writing and copies shall be retained to permit monitoring of the system. The agency shall make delegation of authority records available for examination by GSA auditors.

(3) To justify the use of cash in excess of \$100 when procuring passenger transportation services, both the agency head, or the designated representative, and the traveler shall certify on the travel voucher the necessity for such use.

(4) After a traveler has been reimbursed for a cash purchase, copies of travel authorizations, ticket coupons, and any ticket refund applications, or SF's 1170, Redemption of Unused Tickets, shall be forwarded for audit to the General Services Administration, Transportation Audit Division (FWA), Attention: Code E, Washington, DC 20405.

(5) The agency shall maintain travel vouchers and make them available for site audit by GSA auditors. General Records Schedule 9, Travel and Transportation Records (see 36 CFR 1228.22), provides instructions for the disposal of travel vouchers.

(c) GSA (FWA) will report to the appropriate military or civilian agency travel manager for appropriate action suspected travel management errors

and/or misroutings which result in higher travel costs to the Government.

(d) A traveler who uses cash to purchase individual passenger transportation services shall procure such services directly from the carrier or from a travel agent under GSA or DOD contract (see § 101-41.203-1), and shall account for those expenses on their travel vouchers, furnishing passenger coupons or other evidence as appropriate in support thereof. Moreover, travelers shall assign to the Government the right to recover any excess payments involving carriers' use of improper rates. That assignment must be preprinted or otherwise annotated on the travel voucher and shall be initialed by the traveler.

(e) Travelers using cash to procure passenger transportation services shall be made aware by their employing agencies of the provisions of § 101-41.209-4 concerning a carrier's liability for liquidated damages because of failure to provide confirmed reserved space. Also, travelers using cash shall adhere to the regulations of the General Accounting Office (4 CFR 52.2) regarding the use of U.S.-flag vessels and air carriers (see § 101-41.203-1(b)).

#### Appendix to Subchapter G [Amended]

4. The appendix to subchapter G is amended by removing FPMR Temp. Reg. G-57 and G-57 Supp. 1.

Dated: October 26, 1995.

Roger W. Johnson,

*Administrator of General Services.*

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#### 41 CFR Part 201-39

RIN 3090-AF57

#### Amendment of FIRMR Provisions to Provide For Multi-Agency Use of Contracts For Federal Information Processing (FIP) Resources

**AGENCY:** Information Technology Service, GSA.

**ACTION:** Final rule.

**SUMMARY:** This document amends Federal Information Resources Management Regulation (FIRMR) provisions to provide for multi-agency use of contracts for FIP resources, and address the applicability of Federal Acquisition Regulation (FAR) subpart 17.5 when one agency acquires FIP resources through another agency's contract which has been awarded pursuant to a delegation of procurement authority from GSA under the Brooks Act.

**DATES:** This rule is effective December 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Judy Steele, GSA/KAR at (202) 501-3194 (v) or (202) 501-0657 (tdd).

**SUPPLEMENTARY INFORMATION:** (1) A notice of proposed rulemaking (NPR) was published in the Federal Register on December 7, 1993, clarifying requirements when one agency acquires FIP resources through another agency's contract. All comments were considered, and, where possible, incorporated into the final rule.

(2) A significant concern of some commenters was that the proposed rule did not sufficiently address the relationship of the Economy Act to the Brooks Act when an agency acquires FIP resources through another agency's contract and transfers associated funds. When one agency uses another agency's contract, statutory authority must exist for use of the contract and for a related transfer of funds. One authority is the Economy Act (31 U.S.C. 1535). If the Economy Act is used, agencies must comply with implementing provisions in FAR subpart 17.5. Agencies may use the Brooks Act (40 U.S.C. 759) as the statutory authority for Federal interagency agreements for goods and services within the scope of the Brooks Act. The Brooks Act provides GSA authority independent of the Economy Act to procure, lease or transfer FIP resources for Federal agencies. By its terms, GSA's procurement authority under the Brooks Act can be delegated to other agencies. If the Brooks Act applies, the Economy Act provisions under 31 U.S.C. 1535 do not apply. When agencies comply with the policies and procedures established in this amendment in acquiring FIP resources, they are acting under GSA's delegated Brooks Act authority. Therefore, a related transfer of funds when using contracts that are made available by GSA for use on a Governmentwide basis may be made without regard to the Economy Act. However, the timing of obligations is governed by various authorities, the terms of the appropriating act itself, legislation authorizing the appropriation, the organic or enabling legislation which prescribes a function or creates a program with the appropriated funds, statutory provisions that allow or prohibit use of appropriated funds, and general rules that have been developed through the Comptroller General and the courts. If an agency uses the Brooks Act as authority for a transfer of funds for FIP resources, a binding agreement between the agency providing the funds and the agency that will issue an order

against a contract would normally constitute an obligation of funds by the agency providing the funds, absent any prohibition or condition on an agency's expenditure of the funds involved. The revised amendment clarifies that the Brooks Act is the appropriate authority when agencies use contracts that have been awarded pursuant to a delegation of procurement authority from GSA under 40 U.S.C. 759. The revised amendment also consolidates the procedures presented in the NPR for the use of such contracts.

(3) Section 201-39.1702 is added to permit agencies to make new indefinite-delivery/indefinite-quantity type contracts for commercial FIP products and services available for use by all agencies, and to clarify that FAR subpart 17.5 does not apply when agencies use another agency's contract that has been awarded pursuant to a delegation of authority from GSA under 40 U.S.C. 759.

(4) GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866. It is certified that this rule will not have a significant economic impact upon a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, et seq.).

#### List of Subjects in 41 CFR Part 201-39

Archives and records, Computer technology, Telecommunications, Government procurement, Property management, Records management, and Federal information processing resources activities.

### PART 201-39—ACQUISITION OF FEDERAL INFORMATION PROCESSING (FIP) RESOURCES BY CONTRACTING

1. The authority citation for part 201-39 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201-39.1700 is revised to read as follows:

#### § 201-39.1700 Scope of subpart.

This subpart prescribes policies and procedures for using options and contracts available to Federal agencies for FIP resources.

3. Sections 201-39.1702, 201-39.1702-1 and 201-39.1702-2 are added to read as follows:

#### § 201-39.1702 Interagency Acquisitions.

##### § 201-39.1702-1 Policy.

FAR subpart 17.5 concerning interagency acquisitions does not apply when acquiring or providing FIP resources under a contract which has

been awarded pursuant to a delegation of procurement authority from GSA under 40 U.S.C. 759. Agencies should cite 40 U.S.C. 759 as their contracting authority.

#### § 201-39.1702-2 Procedures.

(a) Agencies are encouraged to make new indefinite-delivery/indefinite-quantity (IDIQ) contracts for commercial FIP products and services available for use by other agencies.

(1) Contracts must be awarded using full and open competition.

(2) Contract provisions should allow other Federal agencies to use the contracting agency's contract to satisfy requirements that are within the scope of products and services available under the contract until the total contract dollars are expended, subject to ordering limitations imposed by the contracting agency. At the contracting agency's discretion, other agencies may use portions of the contract not needed by the contracting agency.

(3) In addition, contract requirements for products and services may be increased up to twenty percent beyond the contracting agency's requirements in anticipation of overall greater use by the government without conducting additional studies to determine the anticipated needs of other agencies that may place orders under the contract. Use of the contract by other agencies should not be limited to the percent contract requirements are increased. Other agencies should have priority for use of the percent that the contract requirements are increased.

(b) There are no specific limitations on agencies combining similar requirements under a single consolidated contract when the requirements of individual agencies are determined in accordance with FIRMR subpart 201-20.1.

Dated: October 27, 1995.

Roger W. Johnson,

*Administrator of General Services.*

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### FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 65

[Docket No. FEMA-7160]

#### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Interim rule.

**SUMMARY:** This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

**DATES:** These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street, SW, Washington, DC 20472, (202) 646-2756.

**SUPPLEMENTARY INFORMATION:** The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria