

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

1. The authority citation for 48 CFR Part 31 continues to read as follows:

**Authority:** 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 31.205-1 is amended by revising paragraph (d) to read as follows:

**31.205-1 Public relations and advertising costs.**

\* \* \* \* \*

(d) The only allowable advertising costs are those that are—

(1) Specifically required by contract, or that arise from requirements of Government contracts, and that are exclusively for—

(i) Acquiring scarce items for contract performance; or

(ii) Disposing of scrap or surplus materials acquired for contract performance;

(2) Costs of activities to promote sales of products normally sold to the U.S. Government, including trade shows, which contain a significant effort to promote exports from the United States. Such costs are allowable, notwithstanding paragraphs (f)(1), (f)(3), (f)(4)(ii), and (f)(5) of this subsection. However, such costs do not include the costs of memorabilia (e.g., models, gifts, and souvenirs), alcoholic beverages, entertainment, and physical facilities that are used primarily for entertainment rather than product promotion; or

(3) Allowable in accordance with 31.205-34.

\* \* \* \* \*

3. Section 31.205-34 is amended in the introductory text of paragraph (a) by removing "paragraphs (b) and (c) below," and adding "paragraph (b) of this subsection," in its place; revising paragraph (b); and removing paragraph (c) to read as follows:

**31.205-34 Recruitment costs.**

\* \* \* \* \*

(b) Help-wanted advertising costs are unallowable if the advertising—

(1) Does not describe specific positions or classes of positions; or

(2) Includes material that is not relevant for recruitment purposes, such as extensive illustrations or descriptions of the company's products or capabilities.

[FR Doc. 98-21443 Filed 8-11-98; 8:45 am]

BILLING CODE 6820-EP-P

**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Part 31**

[FAR Case 97-040]

RIN 9000-AH98

**Federal Acquisition Regulation; Business Class Airfare**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to revise the "travel costs" cost principle to allow, in certain conditions, business class airfare costs for flights lasting more than 14 hours. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**DATES:** Comments should be submitted on or before October 13, 1998 to be considered in the formulation of a final rule.

**ADDRESSES:** Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

E-mail comments submitted over Internet should be addressed to: [farcase.97-040@gsa.gov](mailto:farcase.97-040@gsa.gov).

Please cite FAR case 97-040 in all correspondence related to this case.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501-1900. Please cite FAR case 97-040.

**SUPPLEMENTARY INFORMATION:****A. Background**

The proposed rule revises paragraph (d) of FAR 31.205-46, travel costs, to allow, under certain conditions, contractor costs for business class airfare on flights lasting more than 14 hours. This FAR revision will make business class airfare requirements for

contractor personnel consistent with business class airfare requirements in the Joint Travel Regulations and the Federal Travel Regulation for Government personnel.

**B. 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 most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis, and do not require applications of the cost principle contained in this rule. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 97-040), in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 31**

Government procurement.

Dated: August 5, 1998.

**Edward C. Loeb,**

*Director, Federal Acquisition Policy Division.*

Therefore, it is proposed that 48 CFR Part 31 be amended as set forth below:

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES**

1. The authority citation for 48 CFR Part 31 continues to read as follows:

**Authority:** 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 31.205-46 is amended by revising paragraph (d) to read as follows:

**31.205-46 Travel costs.**

\* \* \* \* \*

(d)(1) Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable, except as permitted in paragraph (d)(2) of this section or when it is documented and justified that such standard, coach, or equivalent accommodations—

- (i) Excessively prolong travel;
- (ii) Require circuitous routing;
- (iii) Require travel during unreasonable hours;
- (iv) Result in increased costs that would offset transportation savings;
- (v) Are not reasonably adequate for the physical or medical needs of the traveler;

- (vi) Are not reasonably available to meet mission requirements; or
  - (vii) Are on a foreign carrier that lacks adequate sanitation or health standards.
- (2) Business class airfare costs are allowable when all of the following apply and are documented:
- (i) Either the origin or destination point is outside the continental United States.

- (ii) Scheduled flight time (including stopovers) is in excess of 14 hours.
- (iii) The traveler does not receive a rest stop en route or a rest period upon arrival at the destination point.

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[FR Doc. 98-21442 Filed 8-11-98; 8:45 am]

BILLING CODE 6820-EP-P