

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 90**

[WT Docket No. 02–55]

Improving Public Safety Communications in the 800 MHz Band**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) streamlines our rules and procedures to accelerate the successful conclusion of the Commission's 800 MHz band reconfiguration program, or rebanding. The 800 MHz rebanding initiative is a 14-year, \$3.6 billion program, involving Sprint Corporation (Sprint) and 800 MHz licensees. At the conclusion of this initiative, public safety, critical infrastructure and other 800 MHz licensees will operate in a reconfigured 800 MHz band free of the interference that plagued first responders' mission-critical communications before the Commission instituted rebanding in the 800 MHz Report and Order.

DATES: Effective December 16, 2019.

FOR FURTHER INFORMATION CONTACT: Roberto Mussenden, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–1428.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in WT Docket No. 02–55, FCC 19–108, released on October 28, 2019. The document is available for download at http://fjallfoss.fcc.gov/edocs_public/. The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

1. In the Order, the Commission directs the 800 MHz Transition Administrator to streamline its closing process going forward to provide that, when Sprint and an individual licensee have completed physical reconfiguration and there are no unresolved disputes between them, closing of the band reconfiguration process for that licensee will be deemed

final upon Sprint's delivery of the executed completion certification to the Transition Administrator and the Transition Administrator acknowledging receipt by letter to the licensee. Upon completion of these steps, the licensee will have no further rebanding obligations to Sprint, the Transition Administrator, or the Commission, and will no longer have recourse to Transition Administrator mediation or the Commission's processes for rebanding-related matters.

2. To promote facilitation of the dispute resolution process established in the 800 MHz Report and Order, we direct licensees to provide notice of any unresolved dispute to the Transition Administrator and Sprint within 20 business days of the effective date of this Order. Thereafter, the licensee and Sprint must enter mediation as directed by the Transition Administrator, pursuant to the Commission's rules. We direct the Transition Administrator to hold mediation sessions each weekday, except for federal holidays. If agreement is not reached after 10 mediation sessions, the designated mediator, within 5 business days, will forward the mediation record to the Bureau for decision. On notification to the parties by the Transition Administrator that the record has been submitted, the parties have 5 business days to submit statements of position. No responsive pleadings will be accepted. If a licensee does not participate in mediation, does not submit a timely statement of position to the Bureau, or does not file a timely petition for reconsideration, application for review, or petition for a de novo hearing following a Bureau order adjudicating the dispute, the licensee will be deemed by the Bureau to have completed rebanding, and all of its rights under the Commission's 800 MHz rebanding orders, including, without limitation, the right to the Transition Administrator's dispute resolution process and reimbursement of costs, will be terminated.

3. Licensees that have completed physical reconfiguration as of the effective date of this Order, have no unresolved dispute with Sprint, but have not provided a completion certification to Sprint must submit an executed completion certification to Sprint within 20 business days of the effective date of this Order. Upon verification from Sprint that, despite the completion of physical reconfiguration and the absence of any disputes related to costs and expenditures, a licensee has not timely provided a completion certification as required, the Bureau will deem the licensee to have completed rebanding and all of its rights under the

Commission's 800 MHz rebanding orders, including, without limitation, the right to the Transition Administrator's dispute resolution process and reimbursement of costs, will be terminated.

4. Finally, consistent with the streamlining steps taken above, we adopt an expedited closing process applicable to those licensees that have not completed physical reconfiguration as of the effective date of the instant Order. Upon completion of physical reconfiguration, such licensees will have 45 calendar days to either, (1) complete cost reconciliation and submit an executed completion certification to Sprint, or (2) notify the Transition Administrator of any unresolved dispute with Sprint regarding their reconfiguration. Licensees will then be subject to the expedited closing or dispute resolution procedures described above, as applicable.

5. We direct the Transition Administrator to revise its processes and documentation in accordance with the foregoing and we modify our procedures accordingly. Notice and comment are not necessary here because the changes that streamline the filings required of the parties to rebanding agreements and the process by which we direct the Transition Administrator to review those filings are "rules of agency organization, procedure, or practice."

Procedural Matters*A. Paperwork Reduction Act of 1995 Analysis*

6. The Order document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

B. Report to Congress

7. The Commission will not send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the Commission did not adopt any rules of particular applicability.

Ordering Clause

8. Accordingly, *It is ordered* that, pursuant to sections 4(i), 4(j), 301, 303, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303, and 403, the Order *is hereby adopted*.

Federal Communications Commission.

Marlene Dortch,

Secretary.

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AGENCY FOR INTERNATIONAL DEVELOPMENT

48 CFR Chapter 7

RIN 0412-AA93

Agency for International Development Acquisition Regulation (AIDAR): Revisions to the Incentive Awards Program for Personal Services Contractors (PSCs)

AGENCY: U.S. Agency for International Development.

ACTION: Final rule.

SUMMARY: The rule amends the AIDAR's provisions that pertain to incentive awards for personal services contracts with individuals.

DATES: *Effective Date:* December 16, 2019.

FOR FURTHER INFORMATION CONTACT:

Richard E. Spencer, Procurement Analyst, Telephone: (202) 567-4781 or email: rspencer@usaid.gov for clarification of content or information pertaining to status or publication schedules. All communications regarding this rule must cite AIDAR RIN No. 0412-AA93.

SUPPLEMENTARY INFORMATION:

A. Proposed Rule and Requests for Comment

USAID published a proposed rule in the **Federal Register** at 84 FR 9739 on March 18, 2019. The public comment period ended May 17, 2019, and the Agency received no comments on the proposed rule. Therefore, USAID is publishing this final rule without change.

B. Background

Over the last 27 years, USAID has awarded personal services contracts to individuals as necessary for the Agency to carry out its mission in the United States and overseas. USAID awards PSCs with individuals based on multiple authorities: (1) Section 636(a)(3) of the Foreign Assistance Act of 1961, as amended (FAA, Section 2396 of Title 22 of the United States Code [U.S.C.]), for personal services abroad; (2) annual appropriations for Foreign Operations for a maximum number of PSCs in the United States (*e.g.*, Section 7057(g) of Division K of Pub. L. 114-113 for Fiscal Year 2016); or (3) program-

specific provisions of the FAA, the Food for Peace Act, or an appropriations act that authorizes the use of a broad range of implementation authorities toward those programmatic purposes “notwithstanding any other provision of law” (*e.g.*, FAA Section 491, Section 2292 of Title 22 of the U.S.C., which authorizes international assistance “to alleviate human suffering caused by natural and manmade disasters . . .”).

As of September 2015, approximately eight (8) percent of USAID's total workforce were U.S. PSCs, and 47 percent were cooperating-country or third-country national (CCN or TCN) PSCs. The Agency's overseas local staff are CCNPSCs, with the exception of a very few remaining Foreign Service National (FSN) direct-hire employees.

Since the Agency depends on PSCs as part of its workforce for its operations, USAID seeks to recognize and motivate excellence in the performance of their contracts. Because PSCs are not authorized to participate in programs administered by the Office of Personnel Management (OPM), in May 2004, then-Administrator Andrew Natsios used the Agency's discretionary authority to establish a separate incentive-awards program for PSCs, distinct from the Agency's incentive awards program authorized by OPM for the Agency's U.S. Direct-Hire (USDH) employees (see 5 U.S.C. 4501 *et seq.* regarding incentive-awards programs for “superior accomplishment” by employees within the definitions of 5 U.S.C. 2105 and 5 CFR part 451). The Administrator approved a deviation from Appendix D of the AIDAR to expand the non-monetary incentive-awards program for PSCs to include limited monetary awards such as “On The Spot” or Special Act cash and Time-Off awards. The Agency implemented the revised monetary incentive-awards program for PSCs under USAID Acquisition and Assistance Policy Directive (AAPD 04-15) issued on October 15, 2004, which authorized USPSCs, and certain TCNPSCs on an exceptional basis, to be eligible for these three types of monetary incentive awards under programs managed by USAID's Missions, Bureaus, or Independent Offices (M/B/IOs).

In March 2015, USAID's Special Awards Committee (SAC) conducted a review of the Agency's awards program for its USDH employees. Following that review, on December 22, 2015, then-Acting Administrator Alfonso Lenhardt approved a deviation to further expand the Agency's PSC Incentive Awards program to include additional types of monetary and non-monetary awards

similar to those provided to USAID's USDH employees.

To implement the incentive-awards programs for PSCs as approved by the Agency in 2004 and 2015, this final rule revises Appendices D and J of the AIDAR to replace the deviations approved in 2004 and 2015 and make them permanent.

C. Discussion

This final rule amends the AIDAR to establish a separate monetary and non-monetary incentive-awards program to recognize and reward individual PSCs for their contributions to the accomplishment of USAID's mission, goals, and objectives.

Based on Statute—Section 636(a)(3) of the FAA, as amended; and by regulation—Appendices D and J of the AIDAR, PSCs are not allowed to participate in any program administered by OPM. Recognition of individual accomplishments by PSCs has been limited to non-monetary incentive awards and certificates of appreciation. However, based on deviations and policy directives signed by the Administrator and Acting Administrator in 2004 and 2015, respectively, USAID established an interim, separate incentive-awards program to make PSCs eligible to receive incentive awards similar to those available under the Agency's incentive-awards program for USDH employees.

USAID implements its incentive-awards program for USDH employees under parameters set in Chapter 491 of the Agency's Automated Directives System (ADS). The Agency will incorporate the new PSC incentive-awards program authorized by this final rule into Appendices D and J of the AIDAR and implement it as described in USAID's PSC policy in ADS Chapter 309. Where appropriate, this incentive-awards program will closely parallel the program for USDH employees. The Agency will make any incentive award payments from the same source of funding used for each individual PSC's contract, and in all cases separately from the pool of funds maintained for incentive awards for USAID USDH employees. Recognizing that PSCs receive an annual pay-comparability adjustment similar to what U.S. Direct-Hires receive, as well as an annual within-grade salary increase for work evaluated at the “satisfactory performance” level, Agency policy requires that these incentive awards be for performance or a special act that goes above and beyond the minimum satisfactory performance required under a contract. USAID will recognize and encourage exceptional performance by