

concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, judgment, and familiarity with international trade law.

### G. Current Roster Members and Prior Applicants

Current members of the chapter 10 roster who remain interested in inclusion on the chapter 10 roster only need to indicate that they are reapplying and submit updates (if any) to their applications on file. Current members do not need to resubmit their applications. Individuals who previously have applied but have not been selected must submit new applications to reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

### H. Public Disclosure

Applications are covered by a Privacy Act System of Records Notice and are not subject to public disclosure and will not be posted publicly on *regs.gov*. They may be referred to other federal agencies and Congressional committees in the course of determining eligibility for the roster, and shared with foreign governments and the USMCA Secretariat in the course of panel selection.

### I. False Statements

False statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants' suitability for placement on the chapter 10 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

#### Juan Millan,

*Deputy General Counsel for Monitoring and Enforcement, Office of the United States Trade Representative.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Revised Form FHWA-1273

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of revised Form FHWA-1273 "Required Contract Provisions

Federal-Aid Construction Contracts" (FHWA-1273). This form includes certain contract provisions that are required on all Federal-aid construction contracts. This form also includes proposal notices that Federal-aid recipients must incorporate or reference in all solicitation-for-bids or request-for-proposals documents for Federal-aid construction projects. The changes to the form are those necessary to conform to the U.S. Department of Labor's (DOL) August 23, 2023, final rule amending the Davis-Bacon Act (DBA) and the Davis-Bacon Related Acts (DBRA) implementing regulations and are aligned with the effective date of those regulations.

**DATES:** The revised Form FHWA-1273 is effective October 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mr. James DeSanto, Office of Preconstruction, Construction and Pavements, (614) 357-8515, [james.desanto@dot.gov](mailto:james.desanto@dot.gov) or Mr. Silvio J. Morales, Office of Chief Counsel, (443) 835-8344, [silvio.morales@dot.gov](mailto:silvio.morales@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On March 18, 2022, the DOL published a notice of proposed rulemaking (NPRM), 87 FR 15698, proposing to update and modernize the regulations at 29 CFR parts 1, 3, and 5, which implement the DBA and the DBRA. The DBA requires the payment of locally prevailing wages and fringe benefits on Federal contracts for construction. The DBA prevailing wage requirements were subsequently incorporated into Title 23 of the United States Code (U.S.C.) and are thus applicable to Federal-aid highway construction contracts. 23 U.S.C. 113. In compliance with the latter FHWA requires that all Federal-aid highway construction contracts physically incorporate the DBA prevailing wage requirements via FHWA-1273. See 23 CFR 633.102.

After considering public comments on the NPRM, the DOL on August 23, 2023, published a final rule notice in the **Federal Register** at 88 FR 57526, adopting, with some modifications, the NPRM's proposed changes to the DBA prevailing wage regulations at 29 CFR parts 1, 3, and 5. The modifications to the required contract provisions contained in 29 CFR 5.5 are applicable to the DBA prevailing wage requirements within FHWA-1273. Pursuant to 23 CFR 633.104(a), FHWA has updated Form FHWA-1273 to be consistent with the new regulatory

requirements. As such, and in accordance with 23 CFR part 633, subpart A, the revised Form FHWA-1273, which can be found at <https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>, must be used by recipients and contractors, including subcontractors at all tiers, as applicable under the regulations. As specified in DOL's final rule, the new regulations are applicable to all contracts awarded on or after October 23, 2023. Accordingly, States and other contracting agencies must use the revised Form FHWA-1273 in all prime construction contracts for Federal-aid construction projects awarded on or after October 23, 2023, as well as all subcontracts, including lower-tier subcontracts, that are awarded under such prime contracts.

**Authority:** 23 U.S.C. 113; 23 CFR 633.104; 29 CFR 5.5.

#### Shailen P. Bhatt,

*Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2023-0005]

#### Surface Transportation Project Delivery Program; Arizona Department of Transportation Draft FHWA Audit Report

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice; request for comment.

**SUMMARY:** The Moving Ahead for Progress in the 21st Century Act established the Surface Transportation Project Delivery Program (referred to as National Environmental Policy Act (NEPA) Assignment Program), allows a State to assume FHWA's environmental responsibilities for environmental review, consultation, and compliance under NEPA. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years of State participation to ensure compliance with program requirements. This is the third audit of the Arizona Department of Transportation's (ADOT) performance of its responsibilities under the NEPA Assignment Program. This notice announces and solicits comments on the third audit report for ADOT.