

In consideration of the foregoing, Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective December 21, 1964, as follows:

§ 151.47 [Amended]

1. A new sentence is inserted between the first and second sentences of paragraph (b) of § 151.47 to read: "The advertisement shall inform the bidders of the contract and reporting provisions required by § 151.54."

§ 151.49 [Amended]

3. Paragraph (b) of § 151.49 is amended by adding a sentence to read: "Subparagraph (17) of paragraph (a) of this section does not apply to contracts made under grant agreements entered into after December 21, 1964."

4. A new § 151.54 is added to read:

§ 151.54 Equal employment opportunity requirements.

In conformity with Executive Order 11114 of June 22, 1963 (28 F.R. 6485) and regulations prescribed by the President's Committee on Equal Employment Opportunity (41 CFR Part 60-1, 28 F.R. 9812, 11305, referred to herein by section numbers of Part 60-1), the provisions referred to below are incorporated by reference into this part.

(a) *Equal employment opportunity requirements.* There are hereby incorporated by reference into this part, as requirements, the provisions of § 60-1.3 (b) (1). The FAA is primarily responsible for the sponsor's compliance.

(b) *Equal employment opportunity requirements in construction contracts.* The sponsor shall cause the "equal opportunity clause" in § 60-1.3(b) (1) to be incorporated into all prime contracts and subcontracts as required by § 60-1.3(c).

(c) *Reporting requirements for contractors and subcontractors.* The sponsor shall cause the filing of compliance reports by contractors and subcontractors as provided in § 60-1.6(a) and the furnishing of such other information as may be required under that provision.

(d) *Bidders' reports.* (1) The sponsor shall include in his invitations for bids or negotiations for contracts, and shall require his contractors to include in their invitations for bids or negotiations for subcontracts, the following provisions based on § 60-1.6(b) (1):

Each bidder, prospective contractor or proposed subcontractor shall state as an initial part of the bid or negotiations of the contract whether he has participated in any previous contract or subcontract subject to the equal opportunity clause and, if so, whether he has filed with the President's Committee on Equal Employment Opportunity or the contracting or administering agency all compliance reports due under applicable instructions. In any case in which a bidder or prospective contractor or proposed subcontractor who has participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a compliance report due under applicable instructions, such bidder, prospective contractor or proposed subcontractor shall submit a compliance report prior to the award of the proposed contract or subcontract. When a determination has been made to award a contract to a specific contractor, such contractor shall, prior to award, furnish such other pertinent information regarding

his own employment policies and practices as well as those of his proposed subcontractors as the FAA, the sponsor, or the Executive Vice Chairman of the President's Committee may require.

(2) The sponsor or his contractors shall give express notice of the requirements of this paragraph (d) in all invitations for bids or negotiations for contracts.

(e) *Enforcement.* The FAA conducts compliance reviews, handles complaints and, where appropriate, conducts hearings and imposes, or recommends to the Committee, sanctions, as provided in Subpart B—General Enforcement; Complaint Procedure of Part 60-1.

(f) *Exempted contracts.* Except for subcontracts for the performance of construction work at the site of construction, the requirements of this section do not apply to subcontracts below the second tier (§ 60-1.3(c)). The requirements of this section do not apply to contracts and subcontracts exempted by § 60-1.4.

(g) *Meaning of terms.* The term "applicant" in the provisions of Part 60-1 incorporated by reference in this section means the sponsor, except where the Committee Regulations refer to an applicant for employment, and the term "administering agency" therein means the FAA.

(h) *Applicability to existing agreements and contracts.* This section applies to grant agreements made on or after December 21, 1964. It applies to contracts and subcontracts as defined in § 60-1.2 (l) and (k) of Part 60-1 made in accordance with a grant agreement to which this section applies.

(Federal Airport Act, as amended (49 U.S.C. 1101 through 1119), E.O. 11114 of June 22, 1963 (28 F.R. 6485) and Regulations of President's Committee on Equal Employment Opportunity (41 CFR Part 60-1), and with prior approval of Executive Vice Chairman of President's Committee (41 CFR Part 60-1.5(c))

Approved: _____

HOBART TAYLOR, JR.,
Executive Vice Chairman.

Issued in Washington, D.C., on November 13, 1964.

HAROLD W. GRANT,
Acting Administrator.

[F.R. Doc. 64-11856; Filed, Nov. 19, 1964; 8:46 a.m.]

[Docket No. 8143; Amdt. 151-5]

PART 151—FEDERAL AID TO AIRPORTS [NEW]

Equal Employment Opportunity Under Airport Construction Contracts

In notice of proposed rule making of August 11, 1964, 29 F.R. 11602, the Federal Aviation Agency proposed amendments to Part 151 [New] of the Federal Aviation Regulations to implement the equal employment opportunity regulations prescribed by the President's Committee on Equal Employment Opportunity, 41 CFR Part 60-1, 28 F.R. 9812, 11305. No adverse comments have been received.

Part 151 prescribes FAA policies for administering the Federal Aid—Airport Program under the Federal Airport Act, as amended (49 U.S.C. 1101, et seq.). Grant agreements with airport sponsors who receive federal aid for airport projects provide that construction contracts let by the sponsors must comply with the requirements of §§ 151.47, et seq. The instant amendment adds further requirements which for convenience are set forth separately in a new section, § 151.54. These requirements were fully explained in the notice of proposed rule making.

The new requirements are derived from the regulation of the President's Committee, and to the extent possible the provisions of these regulations are incorporated verbatim by reference. An existing provision of Part 151, § 151.49 (b) (17), which is similar in import to the new provisions, will be inapplicable to grant agreements made after the effective date of this amendment, since these agreements are governed by this amendment.