

Subpart M—Recommendations for Authorization and Qualifications to Acquire Transportation Using a Rate Tender

§ 102–117.365 What are the responsibilities of a Transportation Officer?

A Transportation Officer's (TO) responsibilities may include:

- (a) Negotiating rates;
- (b) Signing bills of lading (BOL);
- (c) Approving additional accessorial charges;
- (d) Selecting and procuring services of a TSP;
- (e) Selecting and procuring services of a 3PL;
- (f) Serving as a transportation subject matter expert to a Contracting Officer (CO); and/or
- (g) Other roles/responsibilities, such as serving as a certifying official for BOL or as a disbursement official.

§ 102–117.370 Should I have a Transportation Officer warrant to acquire transportation services using a rate tender?

Yes, it is recommended that you have a written document, such as a warrant, issued by the head of your agency or their designee, which expressly allows you to acquire transportation services for using approved non-Federal Acquisition Regulation (FAR) acquisition methods for specified transportation services, and states a dollar limit or range for the warrant authority.

§ 102–117.375 Are there instances where a Transportation Officer warrant is not necessary to acquire transportation services?

Yes, a Transportation Officer warrant is not necessary to:

- (a) Ship packages through a contract under the GSA Schedules program, including any Blanket Purchase Agreement, as these are FAR-based contracts;
- (b) Ship packages or other materials through any other FAR-based contract; or
- (c) Send items through the United States Postal Service.

§ 102–117.380 What should be contained in a Transportation Officer warrant to acquire transportation services?

The warrant for authority to acquire transportation services for freight and cargo, including HHGs, issued by the agency head or their designee should:

- (a) State that you have sufficient experience (any combination of Federal, public, and/or commercial) and/or training in transportation services, including any relevant acquisition or certifying officer training, that qualifies you to acquire the transportation services needed by your agency;

(b) List the maximum dollar limit, if any, and any other limits, such as the types of services that you may acquire;

(c) State your agency's necessary conditions to maintain the warrant; and

(d) Include an expiration date for the warrant, recommended not to exceed three years from the date of issuance.

§ 102–117.385 Is there a standard format for a Transportation Officer warrant?

No. GSA can provide your agency with a suggested format. Agencies could also model the Transportation Officer warrant after the Contracting Officer warrant, or they may establish their own format.

§ 102–117.390 What are the recommended Transportation Officer training and/or experience levels?

(a) The following are suggested agency transportation officer training and/or experience baselines:

(1) For a Basic (Level 1)

Transportation Officer Warrant:

(i) Twenty-four (24) hours of training in Federal transportation; or

(ii) Two (2) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(2) For an Experienced (Level 2)

Transportation Officer Warrant:

(i) Thirty-two (32) hours of training in transportation, including twenty (20) hours of training in Federal transportation; or

(ii) Three (3) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(3) For a Senior (Level 3)

Transportation Officer Warrant:

(i) Sixty (60) hours of training in transportation, including forty (40) hours of training in Federal transportation; or

(ii) Five (5) years of Federal, public, and/or commercial experience in acquiring transportation through rate tenders.

(b) GSA created an online eLearning Transportation Officer training site to provide a standard Governmentwide body of transportation knowledge available to all agencies. This Web-based eLearning site is available at <http://transportationofficer.golearnportal.org/>.

§ 102–117.395 Should I continue my training to maintain my warrant?

Yes, you should continue your training. Your agency will determine the continuing education that applies specifically to your warrant. It is recommended that at least twelve (12) hours of transportation training per year

be completed in order to maintain a Transportation Officer warrant.

§ 102–117.400 How should my warrant be documented?

The head of your agency or their designee should state, in writing, that you have the recommended training and/or experience suggested by § 102–117.390. You should retain a copy of this Transportation Officer warrant. Agency heads or their designee(s) may amend, suspend, or terminate warrants in accordance with agency policies and/or procedures.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 37

[Docket No. CDC–2014–0011; NIOSH–276]

RIN 0920–AA57

Specifications for Medical Examinations of Coal Miners

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Interim final rule; correction.

SUMMARY: On August 4, 2014, the Department of Health and Human Services (HHS) published an interim final rule to amend its regulations to establish standards for the approval of facilities that conduct spirometry examinations and to require that all coal mine operators submit a plan for the provision of spirometry and X-ray examinations to all surface and underground coal miners. The title of Part 37 was not properly amended to reflect the application of these provisions to all coal miners, including miners who work in or at surface coal mines, and not only underground coal miners.

DATES: Effective September 16, 2014, and applicable beginning August 4, 2014.

FOR FURTHER INFORMATION CONTACT: A. Scott Laney, Research Epidemiologist, Division of Respiratory Disease Studies, NIOSH, Centers for Disease Control and Prevention, 1095 Willowdale Road, MS HG900.2, Morgantown, WV 26505–2888; (304) 285–5754 (this is not a toll-free number); alaney@cdc.gov.

SUPPLEMENTARY INFORMATION: On August 4, 2014, HHS published an interim final rule in the **Federal Register** to amend its regulations in 42 CFR Part 37 to establish standards for the approval of facilities that conduct spirometry

examinations and to require that all coal mine operators submit a plan for the provision of spirometry and X-ray examinations to all surface and underground coal miners [79 FR 45110]. Because it lacked a specific amendment doing so, the interim final rule did not revise the part 37 heading to reflect the application of these provisions to all coal miners, including miners who work in or at surface coal mines, and not only underground coal miners. This correction revises the heading to 42 CFR part 37.

List of Subjects in 42 CFR Part 37

Health care, Lung diseases, Medical research, Mine safety and health, Miners.

For reasons discussed in the preamble, HHS amends 42 CFR part 37 by making the following correcting amendment:

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF COAL MINERS

- 1. The authority citation for part 37 continues to read as follows:

Authority: Sec. 203, 83 Stat. 763; 30 U.S.C. 843, unless otherwise noted.

- 2. The heading for part 37 is revised to read as set forth above.

Dated: September 10, 2014.

C'Reda Weeden,

Executive Secretary to the Department, Department of Health and Human Services.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 89

Interim Guidance for Implementation of the Organizational Integrity of Entities Implementing Programs and Activities Under the Leadership Act

AGENCY: Office of Global Affairs (OGA), Department of Health and Human Services (HHS).

ACTION: Notice of interim guidance.

SUMMARY: This document provides interim guidance on the implementation of section 301(f) of the Leadership Act in light of the Supreme Court's decision in *Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l, Inc.*, 133 S. Ct. 2321 (2013) ("AOSI decision"). While HHS awarding agencies have implemented the AOSI decision since its issuance, this document serves to clarify HHS policy. HHS is also currently developing an amendment to its regulations listed

under "Organizational Integrity of Entities Implementing Programs and Activities under the Leadership Act" to ensure consistency with the decision. HHS has been coordinating its implementation activities with the Department of State, Office of the Global AIDS Coordinator (OGAC) and with the United States Agency for International Development (USAID). While issued through OGA, this guidance represents the views of the various agencies within HHS that issue awards with Leadership Act HIV/AIDS funds, namely, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Health Resources and Services Administration.

DATES: Effective September 16, 2014.

FOR FURTHER INFORMATION CONTACT: Erin Eckstein, Office of Global Affairs, Department of Health and Human Services, Room 639H, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 205-3569.

SUPPLEMENTARY INFORMATION:

Background

Section 301(f) of the Leadership Act, subject to limited exceptions, prohibits the use of Leadership Act HIV/AIDS funds "to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking." Interpreting the policy requirement, in 2010, HHS provided, through rulemaking, that, unless exempted through statute, contractors, grantees, applicants or awardees who receive Leadership Act funds for HIV/AIDS programs directly or indirectly from HHS must "agree that they are opposed to the practices of prostitution and sex trafficking." 45 CFR 89.1(b) ¹.

In 2005, section 301(f) was challenged as unconstitutional, and in 2013, the Supreme Court affirmed a Second Circuit decision that upheld a lower court's preliminary injunction prohibiting the application of the policy requirement to domestic (United States) organizations, finding that such a condition of federal funding violates the First Amendment. Consistent with the Supreme Court's decision, the requirement to have a specific policy as stated in section 301(f) no longer applies to U.S. organizations.

In coordination with OGAC and USAID, HHS has ceased applying the policy pledge requirement to U.S.

organizations, whether they are prime recipients or subrecipients of Leadership Act HIV/AIDS funds. However, the requirement remains applicable to foreign organizations.

Guidance

U.S. organizations that are prime recipients or subrecipients of Leadership Act HIV/AIDS funds are not required to have a policy explicitly opposing prostitution and sex trafficking. The Department of Health and Human Services applies the requirement of the Leadership Act that organizations have a policy explicitly opposing prostitution and sex trafficking only to foreign organizations, including foreign affiliates of United States organizations, whether prime recipients or subrecipients, unless exempted by the Act or implementing regulations. *See, e.g.*, 48 CFR 352.270-8 (2010).

HHS is currently developing an amendment to its regulation at 45 CFR part 89 to reflect the AOSI decision and HHS's implementation of that decision with respect to U.S. organizations and foreign organizations that are recipients of Leadership Act HIV/AIDS funds.

Authority: 45 CFR part 89; Section 301(f) of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, Public Law 108-25, as amended, 22 U.S.C. 7601-7682 ("Leadership Act").

Dated: September 11, 2014.

Jimmy Kolker,

Assistant Secretary for Global Affairs, Office of Global Affairs.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[PS Dockets No. 11-153, 10-255; FCC 14-118]

Facilitating the Deployment of Text to 911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Second Report and Order*, the Federal Communications Commission (Commission) requires that Commercial Mobile Radio Service (CMRS) providers and other providers of interconnected text messaging applications (collectively, "covered text providers") be capable of supporting

¹ Title 45, Subtitle A, Subchapter A, Part 89 in the Electronic Code of Federal Regulations (<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=70aabffdee1bdb20e22fdde1663cbbaa&ty=HTML&h=L&r=PART&n=45y1.0.1.1.46>).