

(3) The Attorney General may, upon the favorable recommendation of the Director of the International Communication Agency, waive such two-year foreign residence requirement in the case of any participant (except an alien who is a graduate of a medical school pursuing a program in graduate medical education or training) if the foreign country of the alien's nationality or the country of his or her last legal permanent residence has furnished the Director of the International Communication Agency a statement in writing that it has no objection to such waiver in the case of the alien.

(b) Exceptional hardship to United States citizen or lawfully resident alien spouse or child or probable persecution for enumerated reasons.

(1) An application for waiver on the basis that a two-year period of residence abroad would impose exceptional hardship upon the exchange visitor's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or, on the basis that return to the country of nationality or last legal permanent residence would subject the exchange visitor to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, shall be submitted by the exchange visitor to the office of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence in the United States, or if the exchange visitor is abroad, over the visitor's last legal place of residence in the United States.

(2) If the Commissioner of Immigration and Naturalization determines that compliance with the home-country physical presence requirement would impose exceptional hardship upon the spouse or child who is an American citizen or permanent resident alien, or, would subject the alien to persecution on account of race, religion, political opinion, nationality, or membership of a particular social group, the finding showing such determination together with a summary of the details of the expected hardship or persecution will be submitted to the Waiver Review Branch in the Office of the General Counsel of the Agency for the Director's recommendation.

(c) Interested U.S. Government agency or statement of no objection by home-country. Applications for the favorable recommendation of the Director for a waiver on the basis of a request from an interested United States Government agency, or on the basis of a statement from the exchange visitor's country of nationality or which the visitor had a legal permanent residence to the Director that it has no objection to a waiver, shall be initiated

with the Waiver Review Branch in the Office of the General Counsel of the Agency in the following manners:

(1) Interested U.S. Government agency. When the application is supported by an interested U.S. Government agency other than the International Communication Agency, the head of such agency or duly appointed designee must submit a statement in writing to the Office of the General Counsel of the Agency, in which the agency head or designee determines and attests that, from the point of view of the agency, (i) the granting of the waiver would be in the public interest and (ii) the exchange visitor's compliance with the two-year home-country physical presence requirement would be clearly detrimental to a program or activity of official interest to the agency. Further, the statement shall identify by name and location the organization which will use the exchange visitor's service, and indicate the participant's place of residence in the United States. If deemed appropriate the Agency may request the views of each of the exchange visitor's sponsors concerning the waiver application.

(2) No objection by home-country. When the application is to be supported by a statement of no objection by the exchange visitor's country of nationality or last legal permanent residence, this statement shall be directed to the Director through official channels, i.e., from the country's foreign office to the Agency through the U.S. mission in the foreign country concerned, or through the country's head of mission or duly appointed designee to the Director in the form of a diplomatic note. In addition to the statement indicating that the country concerned has no objection to the waiver, the exchange visitor must, upon request, submit the following information to the Waiver Review Branch, Office of the General Counsel: (i) Full name; (ii) place and date of birth; (iii) present address in the United States or last address in the United States prior to departure; (iv) list of Exchange-Visitor Programs (or Program) in which the individual participated; (v) Alien Registration Number, if known; (vi) name of foreign government official with whom the case can be discussed if necessary; (vii) specific reasons for not wishing to fulfill the two-year home-country physical presence requirement; and (viii) the views of each of the visitor's sponsors concerning the waiver application.

§ 514.32 Action by the Director on requests for waivers.

Upon receipt of a request for a recommendation of waiver of the home-country physical presence requirement of section 212(e) of the Immigration and Nationality Act, as amended, the

Director will review the policy, program, and foreign relations aspects of the case and will transmit a recommendation to the Attorney General for decision. The exchange visitor will be advised of the decision in the case by the Immigration and Naturalization Service.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process.

However, the addition of the new part is administrative in nature and was mandated by law. Therefore, the rulemaking process involving comment and public procedure is waived, and this new part will become effective on March 26, 1979.

Issued at Washington, D.C.

JOHN E. REINHARDT,
Director, International
Communication Agency.

[FR Doc. 79-9022 Filed 3-23-79; 8:45 am]

[8230-01-M]

PART 515—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Addition of a New Part to Chapter V

AGENCY: International Communication Agency.

ACTION: Final Rule.

SUMMARY: This rule adds a new part to Chapter V to reflect the transfer of functions to the International Communication Agency. The transfer was legislatively mandated by Reorganization Plan No. 2 of 1977 which provides for the transfer of the functions established in the United States Information and Educational Exchange Act of 1948, as amended, and the functions established in the Mutual Educational and Cultural Exchange Act of 1961, as amended, to the Director of the International Communication Agency.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert R. Gaudian, Deputy Executive Director, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C., AC 202-724-9717.

SUPPLEMENTARY INFORMATION: As a result of the establishment of the International Communication Agency, the functions formerly delegated to the Secretary of State in the cultural exchange area have been transferred to the Director of the International Communication Agency (USICA).

USICA has assumed overall responsibility for payments to and on behalf of participants in the International Educational and Cultural Exchange Program, and all related procedures.

Part 515 is added to read as set forth below:

PART 515—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Sec.

515.1 Definitions.

515.2 Applicability of this part under special circumstances.

515.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

515.4 Grants to foreign participants to lecture, teach, and engage in research.

515.5 Grants to foreign participants to study.

515.6 Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.

515.7 Grants to United States participants to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs.

515.8 Grants to United States participants to study.

515.9 General provisions.

AUTHORITY: Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527-538; 22 U.S.C. 2658, 2451 note; Reorganization Plan No. 2 of 1977; Executive Order 12048 of March 27, 1978.

§ 515.1 Definitions.

For the purpose of this part the following terms shall have the meaning here given:

(a) *International educational and cultural exchange program of the International Communication Agency.* A program to promote mutual understanding between the people of the United States and those of other countries and to strengthen cooperative international relations in connection with which payments are made direct by the International Communication Agency, as well as similar programs carried out by other Government departments and agencies and by private organizations with funds appropriated or allocated to the International Communication Agency when the regulations in this part apply under the provisions of § 515.2 (a) and (b).

(b) *Program and Agency.* For convenience, the international educational and cultural exchange program of the International Communication Agency will hereinafter be referred to as the "program," and the International Communication Agency will hereinafter be referred to as the "Agency."

(c) *Participant.* Any person taking part in the program for purposes listed in § 515.3 through § 515.8 includ-

ing both citizens of the United States and citizens and nationals of the other countries with which the program is conducted.

(d) *Transportation.* All necessary travel on railways, airplanes, steamships, buses, streetcars, taxicabs, and other usual means of conveyance.

(e) *Excess baggage.* Baggage in excess of the weight or size carried free by public carriers on first class service.

(f) *Per diem allowance.* Per diem in lieu of subsistence includes all charges for meals and lodging; fees and tips; telegrams and telephone calls reserving hotel accommodations; laundry, cleaning and pressing of clothing; transportation between places of lodging or business and places where meals are taken.

§ 515.2 Applicability of this part under special circumstances.

(a) *Funds administered by another department or agency.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Agency and transferred by the Agency to some other department, agency or independent establishment of the Government unless the terms of the transfer provide that such regulations shall not apply in whole or in part or with such modification as may be prescribed in each case to meet the exigencies of the particular situation.

(b) *Funds administered by private organizations.* The regulations in this part shall apply to payments made to or on behalf of participants from funds appropriated or allocated to the Agency and administered by an institution, facility, or organization in accordance with the terms or a contract or grant made by the Agency with or to such private organizations, unless the terms of such contract or grant provide that the regulations in this part are not to be considered applicable or that they are to be applied with such modifications as may be prescribed in each case to meet the exigencies of the particular situation.

(c) *Appropriations or allocations.* The regulations in this part shall apply to payments made by the Agency with respect to appropriations or allocations which are or may hereafter be made available to the Agency for the program so far as the regulations in this part are not inconsistent therewith.

§ 515.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

A citizen or national of a foreign country who has been awarded a grant to observe, consult with colleagues, demonstrate special skills, or engage in

specialized programs, may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Accommodations, as authorized, on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowances in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions shall be established by the Director from time to time, within limitations prescribed by law. The participant shall be considered as remaining in a travel status during the entire period covered by his or her grant unless otherwise designated.

(d) *Allowance.* A special allowance in lieu of per diem while traveling to and from the United States may be established by the Director, within limitations prescribed by law.

(e) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at seminars and workshops, professional meetings, or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Advance of funds.* Advance of funds including per diem.

§ 515.4 Grants to foreign participants to lecture, teach, and engage in research.

A citizen or national of a foreign country who has been awarded a grant to lecture, teach, and engage in research may be entitled to any or all of the following benefits when authorized by the Agency:

(a) *Transportation.* Accommodations, as authorized on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowance in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions shall be established by the Director from time to time, within limitations prescribed by law.

(d) *Allowance.* A special allowance in lieu of per diem while traveling to and from the United States may be estab-

lished by the Director, within limitations prescribed by law.

(e) *Tuition and related expenses.* Tuition and related expenses in connection with attendance at educational institutions, seminars and workshops, professional meetings or other events in keeping with the purpose of the grant.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Advance of funds.* Advance of funds including per diem.

§ 515.5 Grants to foreign participants to study.

A citizen or national of a foreign country who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Agency:

(a) *Transportation.* Accommodations, as authorized, on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be accordance with the provisions of the Federal Travel Regulations.

(b) *Excess baggage.* Excess baggage as deemed necessary by the Agency.

(c) *Per diem allowance.* Per diem allowance in lieu of subsistence expenses while traveling (i) from point of entry in the United States, its territories or possessions to orientation centers and while in attendance at such centers for purposes of orientation, not to exceed 30 days, (ii) to educational institutions of affiliation, and (iii) to point of departure and while participating in authorized field trips or conferences, shall be established by the Director from time to time, within limitations prescribed by law.

(d) *Allowances.* (1) A maintenance allowance while present and in attendance at an educational institution, facility or organization, and

(2) A travel allowance in lieu of per diem while traveling to and from the United States may be established by the Director, within limitations prescribed by law.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

(h) *Advance of funds.* Advance of funds including per diem.

§ 515.6 Assignment of United States Government employees to consult, lecture, teach, engage in research, or demonstrate special skills.

An employee of the United States Government who has been assigned for service abroad to consult, lecture, teach, engage in research, or demon-

strate special skills, may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence at the maximum rates allowable while in a travel status in accordance with the provisions of the Federal Travel Regulations. The participant shall be considered as remaining in a travel status during the entire period covered by his or her assignment unless otherwise designated.

(b) *Advance of funds.* Advances of per diem as provided by law.

(c) *Compensation.* Compensation in accordance with Civil Service rules; or in accordance with the grade in which the position occupied may be administratively classified; or Foreign Service Act, as amended.

(d) *Allowances for cost of living and living quarters.* Allowances for living quarters, heat, fuel, light, and to compensate for the increased cost of living in accordance with the Federal Travel Regulations (Government Civilians, Foreign Areas), when not in a travel status as provided in paragraph (a) of this section.

(e) *Books and educational materials allowance.* A reasonable allowance for books and educational materials. Such books and materials, unless otherwise specified, shall be selected by the employee and purchased and shipped by the Agency or its agent. At the conclusion of the assignment, the books and educational materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Agency.

(f) *Families and effects.* Cost of transportation of immediate family and household goods and effects when going to and returning from posts of assignment in foreign countries in accordance with the provisions of the Foreign Service Regulations of the United States of America.

§ 515.7 Grants to United States participants to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs.

A citizen or resident of the United States who has been awarded a grant to consult, lecture, teach, engage in research, demonstrate special skills, or engage in specialized programs may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation in the United States and abroad, including baggage charges.

(b) *Subsistence and miscellaneous travel expenses.* Per diem, in lieu of subsistence while in a travel status, at the maximum rates allowable in ac-

cordance with the provisions of the Federal Travel Regulations, unless otherwise specified, and miscellaneous travel expenses, in the United States and abroad. Alternatively, a travel allowance may be authorized to cover subsistence and miscellaneous travel expenses. The participant shall be considered as remaining in a travel status during the entire period covered by his or her grant unless otherwise designated.

(c) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States, compensation, travel, and per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified. Alternatively, a travel allowance may be authorized to cover subsistence and miscellaneous travel expenses.

(d) *Advance of funds.* Advance of funds, including allowance for books and educational materials and per diem, or alternatively, the allowance to cover subsistence and miscellaneous travel expenses.

(e) *Compensation.* Compensation at a rate to be specified in each grant.

(f) *Allowances.* Appropriate allowance as determined by the Agency.

(g) *Books and educational materials allowance.* Where appropriate, an allowance for books and educational materials. Such books and materials, unless otherwise specified, shall be selected by the grantee and purchased and shipped either by the grantee, or the Agency or its agent. At the conclusion of the grant, the books and materials shall be transferred to and become the property of an appropriate local institution or be otherwise disposed of as directed by the Agency.

§ 515.8 Grants to United States participants to study.

A citizen of the United States who has been awarded a grant to study may be entitled to any or all of the following benefits when authorized by the Agency.

(a) *Transportation.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence while in a travel status. Per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified. Travel status shall terminate upon arrival at the place of study designated in the grant and shall recommence upon departure from the place to return home.

(b) *Orientation and debriefing within the United States.* For the purpose of orientation and debriefing within the United States travel and

per diem at the maximum rates allowable in accordance with the provisions of the Federal Travel Regulations, unless otherwise specified.

(c) *Advance of funds.* Advance of funds including per diem.

(d) *Maintenance allowance.* A maintenance allowance at a rate to be specified in each grant.

(e) *Tuition.* Tuition and related fees for approved courses of study.

(f) *Books and educational materials allowance.* A reasonable allowance for books and educational materials.

(g) *Tutoring assistance.* Special tutoring assistance in connection with approved courses of study.

§ 515.9 General provisions.

The following provisions shall apply to the foregoing regulations:

(a) *Health and accident insurance.* Payment for the costs of health and accident insurance for United States and foreign participants while such participants are enroute or absent from their homes for purposes of participation in the program when authorized by the Agency.

(b) *Transportation of remains.* Payments for the actual expenses of preparing and transporting to their former homes the remains of persons not United States Government employees, who may die away from their homes while participating in the program are authorized.

(c) *Marima not controlling.* Payments and allowances may be made at the rate or in the amount provided in the regulations in this part unless an individual grant or travel order specifies that less than the maximum will be allowed under any part of the regulation in this part. In such case, the grant or travel order will control.

(d) *Individual authorization.* Where the regulations in this part provide for compensation, allowance, or other payment, no payment shall be made therefor unless a definite amount or basis of payment is authorized in the individual case, or is approved as provided in paragraph (f) of this section.

(e) *Computation of per diem and allowance.* In computing per diem and allowance payable while on a duty assignment, except for travel performed under the Federal Travel Regulations, fractional days shall be counted as full days, the status at the end of the calendar day determining the status for the entire day.

(f) *Subsequent approval.* Whenever without prior authority expense has been incurred by a participant, or an individual has commenced his or her participation in the program as contemplated by the regulations in this part, the voucher for payments in connection therewith may be approved by an official designated for this purpose, such approval constituting the author-

ity for such participation or the incurring of such expense.

(g) *Additional authorization.* Any emergency, unusual or additional payment deemed necessary under the program if allowable under existing authority, may be authorized whether or not specifically provided for by this part.

(h) *Biweekly payment.* Unless otherwise specified in the grant, all compensation and allowance for United States participants shall be payable biweekly and shall be computed as follows: an annual rate shall be derived by multiplying a monthly rate by 12; a biweekly rate shall be derived by dividing an annual rate by 26; and a calendar day rate shall be derived by dividing an annual rate by 364. If any maximum compensation or allowance authorized by these regulations or by the terms of any grant is exceeded by this method of computation and payment, such excess payment is hereby authorized. This paragraph may apply to payments made to participants from funds administered as provided in § 515.2(a) and (b) in the discretion of the department, agency, independent establishment, institution, facility, or organization concerned.

(i) *Payments.* Payments of benefits authorized under any part of the regulations in this part may be made either by the International Communication Agency or by such department, agency, institution, or facility as may be designated by the Agency.

(j) *Duration.* The duration of the grant shall be specified in each case.

(k) *Cancellation.* If a recipient of a grant under this program fails to maintain a satisfactory record or demonstrates unsuitability for furthering the purposes of the program as stated in § 515.1(a), his or her grant shall, in the discretion of the Director of the International Communication Agency or such officer as he or she may designate, be subject to cancellation.

(l) *Outstanding grant authorization.* Grants and other authorizations which are outstanding and in effect on the date the present regulations become effective, and which do not conform to this part, shall nevertheless remain in effect and be governed by the regulations under which they were originally issued, unless such grants or other authorizations are specifically amended and made subject to the present regulations in which case the individual concerned will be notified.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process.

However, the addition of the new part is administrative in nature and was mandated by law. Therefore, the rulemaking process, involving com-

ment and public procedure, is waived, and this new part will become effective upon publication.

Issued at Washington, D.C.

JOHN E. REINHARDT,
Director, International
Communication Agency.

[FR Doc. 79-9018 Filed 3-23-79; 8:45 am]

[8230-01-M]

PART 517—FOREIGN STUDENTS

Addition of a New Part to Chapter V

AGENCY: International Communication Agency.

ACTION: Final Rule.

SUMMARY: This rule adds a new part to Chapter V to reflect the transfer of certain functions from the Secretary of State to the International Communication Agency. The transfer was legislatively mandated by Reorganization Plan No. 2 of 1977 which provides for the transfer of the functions of the United States Information and Educational Exchange Act of 1948, as amended, and the functions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, to the Director of the International Communication Agency. The particular functions covered by this Part pertain to admission, attendance and instruction of students from other American republics at educational institutions and schools maintained and administered by executive departments and agencies of the Government.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert R. Gaudian, Deputy Executive Director, Associate Directorate for Educational and Cultural Affairs, International Communication Agency, Washington, D.C., AC 202-724-9717.

SUPPLEMENTAL INFORMATION: As a result of the establishment of the International Communication Agency, the functions formerly vested in, or delegated to, the Secretary of State in the cultural exchange area have been transferred to the Director of the International Communication Agency (USICA). USICA has assumed overall responsibility for the foreign student programs, and all related procedures.

Part 517 is added to read as set forth below:

PART 517—FOREIGN STUDENTS

Sec.

517.1 Regulations to be drafted.

517.2 Applications.

517.3 Reference of applications.

517.4 Copies of regulations to International Communication Agency.

517.5 Granting of application.

AUTHORITY: 52 Stat. 1034, as amended; 20 U.S.C. 221, E.O. 7964, 3 FR 2105; 3 CFR, 1943-1958, Comp.; Reorganization Plan No. 2 of 1977.

§ 517.1 Regulations to be drafted.

Subject to the provisions and requirements of this part, appropriate administrative regulations shall be drafted by each executive department or agency of the Government which maintains and administers educational institutions and schools coming within the scope of the legislation. Such regulations shall carefully observe the limitations imposed by the Act of June 24, 1938, and shall in each case include:

(a) A list of the institutions and courses in the department or agency concerned in which instruction is available under the terms of the legislation.

(b) A statement of the maximum number of students of the other American republics who may be accommodated in each such institution or course at any one time.

(c) A statement of the qualifications to be required of students of the other American republics for admission, including examinations, if any, to be passed.

(d) Provisions to safeguard information that may be vital to the national defense or other interests of the United States.

§ 517.2 Applications.

Applications for citizens of the other American republics to receive the instruction contemplated by the Act of June 24, 1938, shall be made formally through diplomatic channels to the Director of the International Communication Agency by the foreign governments concerned.

§ 517.3 Reference of applications.

The Director of the International Communication Agency shall refer the applications to the proper department or agency of the Government for advice as to what reply should be made to the application.

§ 517.4 Copies of regulations to International Communication Agency.

In order to enable the Director of the International Communication Agency to reply to inquiries received from the governments of the other American republics, the International Communication Agency shall be promptly supplied with copies of the regulations drafted by the other departments and agencies of the Government and of subsequent amendments thereto.

§ 517.5 Granting of application.

Upon receipt of a reply from another department or agency of the Government, as contemplated by § 517.3, in which it is recommended that an application be granted, the Director of the International Communication Agency shall notify the government of the American republic concerned, through diplomatic channels, that permission to receive the instruction requested in the application is granted, provided the applicant complies with the terms of this part and with the terms of the administrative regulations of the department or agency concerned.

It is the general policy of the International Communication Agency to allow time for interested parties to take part in the rulemaking process.

However, the addition of the new part is administrative in nature and was mandated by law. Therefore, the rulemaking process, involving comment and public procedure, is waived and this new part will become effective upon publication.

Issued at Washington, D.C.

JOHN E. REINHARDT,
Director, International
Communication Agency.

[FR Doc. 79-9020 Filed 3-23-79; 8:45 am]

[4110-92-M]

Title 36—Parks, Forests, and Public Property

CHAPTER XI—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

PART 1151—GENERAL STATEMENT OF POLICY

Federal Parking Policies

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Statement of Policy.

SUMMARY: The Architectural and Transportation Barriers Compliance Board adopted Federal parking policies relating to the provision of accessible parking spaces for physically handicapped individuals in public buildings and facilities. These policies recommend that the General Services Administration, Department of Housing and Urban Development, Department of Defense, and the United States Postal Service revise their standards of design, construction, and alteration to ensure that accessible parking spaces for the disabled are available in their buildings and facilities.

DATE: This policy statement is already effective.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Allison, Office of Public Information, Architectural and Transportation Barriers Compliance Board, 330 C Street SW., Washington, D.C. 20201 (202/245-1591).

SUPPLEMENTARY INFORMATION: Pursuant to Section 502 of the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as A&TBCB) established at its meeting on September 12, 1978, policies relating to the provision of accessible parking spaces in federally owned, occupied, or leased buildings and facilities.

Sections 2, 3, 4, and 4A of the Architectural Barriers Act of 1968, Pub. L. 90-480, 82 Stat. 718, as amended, authorize the heads of four Federal agencies, General Services Administration (GSA), Department of Housing and Urban Development (HUD), Department of Defense (DoD), and the United States Postal Service (USPS), to prescribe standards for design, construction, and alteration to ensure that those buildings and facilities subject to the Act are accessible to, and usable by handicapped individuals. These standards have varying provisions relating to parking and, in some respects, are lacking in specificity. The A&TBCB at its November meeting recommended that these parking standards be revised to expressly require in all federally owned, occupied or leased buildings and facilities that (1) accessible parking spaces be located closest to an accessible entrance and (2) at least 2 percent of any visitor parking (a minimum of one space in any such visitor parking lot) be provided for handicapped visitors.

The A&TBCB policy addresses the question of the location of parking spaces in relation to an accessible entrance of a building or facility. The A&TBCB wishes to emphasize the need for more proximate parking to achieve maximum accessibility. The policy is intended to ensure that accessible parking spaces for handicapped visitors are available in a sufficient number in public buildings and facilities and to provide greater guidance concerning the location of such spaces.

Since these are general statements of policy of the A&TBCB, the provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. 5 U.S.C. 553.

Part 1151 consisting of § 1151.1 is added as follows: