

CONTACT PERSON FOR MORE

INFORMATION: Martha Diaz-Ortiz,
Assistant Secretary/Paralegal, (202)
376-2421.

MATTERS TO BE CONSIDERED:

I. Executive Director's Performance

Appraisal; and

II. Officers' Compensation

Carol J. McCabe,

Secretary.

[FR Doc. 90-2984 Filed 2-5-90; 1:23 pm]

BILLING CODE 7570-01-M

RESOLUTION TRUST CORPORATION**Notice of Agency Meeting**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that on Thursday, February 1, 1990, at 4:45 p.m., the Board of Directors of the Resolution Trust Corporation met in closed session to consider certain matters relating to the preemption of state law and the resolution of thrift institutions.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director M. Danny Wall, (Director of the Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: February 2, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-2988 Filed 2-5-90; 1:57 pm]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION**Agency Meetings.**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 12, 1990.

Closed meetings will be held on Tuesday, February 13, 1990, at 2:30 p.m. and on Wednesday, February 14, 1990, following the 2:00 p.m. open meeting. Open meeting will be held on Wednesday, February 14, 1990, at 2:00 p.m. and on Thursday, February 15, at 11:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Fleischman, duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 13, 1990, at 2:30 p.m., will be:

Regulatory matter regarding financial institutions.

Institution of injunctive actions.

Settlement of injunctive actions.

The subject matter of the open meeting scheduled for Wednesday, February 14, 1990, at 2:00 p.m., will be:

The Commission will hear oral argument on an appeal by Thomas J. Flittin, Jr., formerly president and principal shareholder of Fittin, Cunningham & Lauzon, a registered broker-dealer, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272-7400.

The subject matter of the closed meeting scheduled for Wednesday, February 14, 1990, following the 2:00 p.m. open meeting will be:

Post oral argument discussion.

The subject matter of the open meeting scheduled for Thursday, February 15, 1990, at 11:00 a.m., will be:

1. The Commission will consider whether to adopt proposed rule 52 under the Public Utility Holding Company Act of 1935 ("Act"). Proposed rule 52 exempts from specific Commission approval certain financings by public-utility subsidiary companies of registered public-utility holding companies as long as specified conditions are met. In addition, proposed rule 52 provides a limited exemption from the application requirements of section 9(a) of the Act where the exempt securities are to be acquired by a parent holding company. For further information, contact William C. Weeden at (202) 272-7676 or Yvonne M. Hunold (202) 272-2676.

2. The Commission will consider whether to adopt proposed Rule 12d1-1 under the Investment Company Act of 1940. Rule 12d1-1 would provide an exemption from the limitations imposed by Section 12(d)(1)(A) of that Act for acquisitions of securities of foreign banks and foreign insurance companies, and their finance subsidiaries, by registered investment companies. For further information, please contact Ann M. Glickman at (202) 272-3042.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Underhill (202) 272-2100.

Dated: February 2, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-9018 Filed 2-5-90; 3:58 pm]

BILLING CODE 8010-01-M

COPYRIGHT ROYALTY TRIBUNAL

TIME AND DATE: Thursday, February 22, 1990, 10 a.m.

PLACE: 1111 20th Street NW., Suite 450, Washington, DC 20036.

STATUS: Closed pursuant to a vote taken February 5, 1990.

MATTERS TO BE CONSIDERED:

Adjudication of the Music Claimants category of the 1987 cable royalty distribution proceeding.

CONTACT PERSON FOR MORE

INFORMATION: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street NW., Suite 450, Washington, DC 20036, (202) 653-5175.

Dated: February 5, 1990.

J.C. Argetsinger,

Chairman.

[FR Doc. 90-3016 Filed 2-5-90; 3:49 pm]

BILLING CODE 1410-09-M

Corrections

Federal Register

Vol. 55, No. 26

Wednesday, February 7, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

Milk Price Support Program

Correction

In rule document 90-1582 beginning on page 2363 in the issue of Wednesday, January 24, 1990, make the following corrections:

1. On page 2363, in the third column, in the first complete paragraph, in the fourth line should read "marketings, this rule provides that the".

§ 1430.341 [Corrected]

2. On page 2364, in § 1430.34(j)(1), in the second column, in the seventh line, "or" should read "to".

§ 1430.343 [Corrected]

3. On the same page, in the third column, in § 1430.343(e), in the sixth and seventh lines, "(7 U.S.C. 603 et seq.)" should read "(7 U.S.C. 601 et seq.)".

§ 1430.347 [Corrected]

4. On page 2365, in the second column, in § 1430.347, in the sixth line, "provisions" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

(Docket Nos. CP90-564-000 et al.)

Natural Gas Certificate Filings; Trunkline Gas Co.; Correction

Correction

In notice document 90-2245 beginning on page 3461 in the issue of Thursday, February 1, 1990, make the following correction:

On page 3463, in the second column, the second line should read

(Docket No. CP90-566-000)

BILLING CODE 1505-01-D

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Designation of Anchorage (AK) Equal Rights Commission

Correction

In rule document 89-23219 appearing on page 40657 in the issue of Tuesday, October 3, 1989, make the following correction:

§ 1601.80 [Corrected]

In the third column, in amendatory instruction 2, in the first line, and in the corresponding section heading above, "1601.60" should read "1601.80".

BILLING CODE 1505-01-D

Register Federal

Wednesday
February 7, 1990

Part II

Office of Government Ethics

5 CFR Part 2637

Post Employment Conflict of Interest;
Final Rule

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2637

RIN 3209-AA03¹

Post Employment Conflict of Interest

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing a final regulation under the Ethics in Government Act of 1978 which (1) designates certain executive branch positions subject to the post employment conflict of interest regulations applicable to "Senior Employees," and (2) designates certain statutory and non-statutory executive branch agencies/bureaus for the purpose of limiting the application of the post employment rules which prohibit, for one year after leaving Government service, a former high-level "Senior Employee" from representing anyone in an attempt to influence his or her former agency on a matter pending before, or of substantial interest to, such agency.

Annually, under 18 U.S.C. 207(d)(1)(C), the Director of the Office of Government Ethics must review the position designations and make any such additions and deletions as are necessary. Additionally, 18 U.S.C. 207(e) gives the OGE Director discretionary authority to make determinations as to separate agencies and bureaus within a department or agency which are distinct and separate from the remaining functions of the department or agency.

EFFECTIVE DATES: February 7, 1990.

ADDRESSES: Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917.

FOR FURTHER INFORMATION CONTACT: Joann Barber or Thomas Zorn at (202/FTS) 523-5757.

SUPPLEMENTARY INFORMATION: Subsection 207(d)(1)(C) of title 18 U.S.C., contained in title V of the Ethics in Government Act of 1978, as amended, ("the Act"), (Pub. L. 95-521), gives the Director of the Office of Government Ethics (OGE) authority to designate (1) certain executive branch employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(ii) and 207(c), and (2) executive branch agencies and bureaus, within a parent department or agency, having separate and distinct subject matter jurisdiction; i.e., "separate non-statutory agencies/bureaus." This rulemaking does not reflect the future version of 18 U.S.C. 207

contained in title I of the recently-enacted Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989), since the changes to the statute do not become effective until January 1, 1991. The Office of Government Ethics, previously part of the Office of Personnel Management, became a separate agency in the executive branch on October 1, 1989.

Regulations implementing the subsection 207(d)(1)(C) authority were published on February 1, 1980 (45 FR 7402). Those regulations designated as "Senior Employees" all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS-17 of the General Schedule, as prescribed by 5 U.S.C. 5332, or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to specific exemptions to be made by OGE. The regulations also set forth those separate statutory (18 U.S.C. 207(e)) agencies and bureaus and those separate non-statutory agencies/bureaus (18 U.S.C. 207(d)(1)(C)) as determined by the Director, OGE, to be qualified for designation at the time of publication.

Regarding "Senior Employee" designations, upon review of agency recommendations, made pursuant to the requirement now set forth in 5 CFR 2637.211(b)(1), the Director, OGE, determined that only those non-exempted positions, i.e., those subject to the prohibitions of 18 U.S.C. 207(b)(ii) and (c), would be published in the *Federal Register*. A partial list of such "designated" positions was contained in the February 1, 1980, *Federal Register* publication (45 FR 7402). That list was followed by another partial list which was published on February 8, 1980 (45 FR 8544). Annual amendments to the list were published on November 14, 1980 (45 FR 75500); March 5, 1982 (47 FR 9694); February 25, 1983 (48 FR 8188); March 15, 1984 (49 FR 9808); July 31, 1985 (50 FR 31096); July 16, 1986 (51 FR 25645); November 12, 1987 (52 FR 43442); and December 2, 1988 (53 FR 48756). The combined lists represented all 18 U.S.C. 207(d)(1)(C) positions which were not exempted by the Director, OGE. This regulation consolidates and amends the previously published lists and is based upon a review of agency annual submissions made pursuant to 5 CFR 2637.211(b)(1). All positions designated pursuant to 5 U.S.C. 207(d)(1)(C) not previously designated are marked by an asterisk. In accordance with 5 CFR 2637.211(d), designation of such positions shall not become effective as to incumbents thereof until the last day of the fifth full calendar month after this

publication (except as to position shifting, see § 2637.211(i)). Section 2637.211 of this chapter sets forth the standards and procedures to be applied in determining which positions shall be designated. OGE also issued a memorandum to heads of departments, independent agencies, commissions and Government corporations/designated agency ethics officials dated April 26, 1979, giving additional information and guidance on this subject. Section 2637.204 sets forth the standards and procedures to be applied in determining which separate statutory and non-statutory agencies and bureaus shall be designated.

The Director, OGE, in consultation with each department and agency concerned, has determined that the positions set forth in this document qualify for designation as "Senior Employee" positions. 5 CFR 2637.216 is hereby amended accordingly. The Director has further determined, in consultation with each department or agency concerned, the separate statutory and nonstatutory agencies/bureaus set forth below in § 2637.215 qualify for such designation.

The "Senior Employee" positions listed constitute all such positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 2637.211(d), subsequent designation of positions within the department or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning position shifting set forth in 5 CFR 2637.211(i).

In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded some deference to the decision of a department or agency to designate a position where that decision was in favor of designation above minimum OGE standards. As OGE conducted the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post employment restrictions and impact on recruiting and

¹ Formerly 3206-AD72. See **SUPPLEMENTARY INFORMATION** for further explanation.

retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by 18 U.S.C. subsections 207(d)(1)(A) and (B) are not included in this publication.

Administrative Procedure Act

The Director of the Office of Government Ethics, acting pursuant to 5 U.S.C. 553(b)(3)(A) and (d), has found good cause for waiving the general notice of proposed rulemaking and the 30 day delay in effectiveness because this regulation is interpretive in nature, and therefore exempt from the notice and delayed effectiveness provisions of 5 U.S.C. 553.

Further, this regulation also relates to agency organization and, as noted above, there is a five month fair notice provision as to incumbents of newly-designated "Senior Employee" positions.

E.O. 12291

OGE has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation Requirements.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, because it only affects federal employees. Further, as discussed above, no notice of proposed rulemaking is required for this regulation. Thus, no Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) analysis is required.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because this rulemaking does not contain any information collection requirements that require Office of Management and Budget approval thereunder.

Regulation Identifier Number

The Regulation Identifier Number (RIN) in the heading of this document indicates the newly-assigned Office of Government Ethics number for this rulemaking, 3209-AA03. Previously, the rulemaking was assigned an Office of Personnel Management (OPM) RIN (3206-AD72), since the Government Ethics Office was (as noted above) a part of OPM until October 1, 1989. OGE is now a separate agency in the executive branch. Furthermore, the Regulations Concerning Post Employment Conflict of Interest, which this rulemaking amends, were recently transferred, with OPM concurrence, from part 737 of OPM's chapter I of 5 CFR to part 2637 in OGE's new chapter

XVI of 5 CFR: the internal numbering of sections in new part 2637 was also changed. See 54 FR 50229-50231 (December 5, 1989).

List of Subjects in 5 CFR Part 2637

Conflict of interests, Government employees.

Approved January 18, 1990.

Donald E. Campbell,

Acting Director, Office of Government Ethics.

Accordingly, pursuant to its authority under the Ethics in Government Act and 18 U.S.C. 207, the Office of Government Ethics hereby amends 5 CFR part 2637 as follows:

PART 2637—[AMENDED]

1. The authority citation for part 2637 continues to read as follows:

Authority: 5 U.S.C. appendixes III, IV; 18 U.S.C. 207.

2. Section 2637.214 is revised to read as follows:

§ 2637.214 Separate statutory agencies: Designations.

In accordance with the provisions of 18 U.S.C. 207(e) and 5 CFR 2637.205, each of the following departments or agencies is determined, for purposes of 18 U.S.C. 207(c), to have within it separate statutory agencies or bureaus as set forth below:

Parent Agency: DEPARTMENT OF THE TREASURY

Separate Statutory Components:

Bureau of Alcohol, Tobacco and Firearms
Bureau of Engraving and Printing
Bureau of the Mint

Comptroller of the Currency

Internal Revenue Service

Bureau of the Public Debt

Financial Management Service

United States Customs Service

United States Secret Service

Parent Agency: FEDERAL EMERGENCY MANAGEMENT AGENCY

Separate Statutory Component: United States Fire Administration

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Separate Statutory Components:

Food and Drug Administration

Public Health Service

Social Security Administration

Parent Agency: DEPARTMENT OF TRANSPORTATION

Separate Statutory Components:

Federal Aviation Administration

Federal Highway Administration

Federal Railroad Administration

Maritime Administration

National Highway Traffic Safety Administration

Saint Lawrence Seaway Development Corporation

United States Coast Guard

Urban Mass Transportation Administration

Parent Agency: DEPARTMENT OF LABOR

Separate Statutory Components:

Bureau of Labor Statistics
Mine Safety and Health Administration
Occupational Safety and Health Administration

Parent Agency: DEPARTMENT OF JUSTICE

Separate Statutory Components:

Bureau of Prisons (including Federal Prison Industries, Inc.)

Community Relations Service

Drug Enforcement Administration

Federal Bureau of Investigation

Foreign Claims Settlement Commission

National Institute of Justice²

Bureau of Justice Assistance²

Office of Juvenile Justice and Delinquency Prevention²

Office for Victims of Crime and²

Bureau of Justice Statistics²

Immigration and Naturalization Service

Independent Counsel

United States Parole Commission

Parent Agency: DEPARTMENT OF DEFENSE

Separate Statutory Components:

Department of the Army

Department of the Navy

Department of the Air Force

Defense Mapping Agency

Parent Agency: DEPARTMENT OF ENERGY

Separate Statutory Component:

Federal Energy Regulatory Commission

Parent Agency: DEPARTMENT OF COMMERCE

Separate Statutory Components:

Economic Development Administration

Patent and Trademark Office

National Oceanic and Atmospheric Administration

Bureau of the Census

Parent Agency: NATIONAL CREDIT UNION ADMINISTRATION

Separate Statutory Component:

Central Liquidity Facility

3. Section 2637.215 is revised to read as follows:

§ 2637.215 Separate components of agencies or bureaus: Designations.

In accordance with the provisions of 18 U.S.C. 207(d)(1)(C) and 5 CFR 2637.205, each of the component agencies or bureaus as set forth below is determined, for purposes of 18 U.S.C. 207(c) and this part 2637, to be separate from the remaining agencies and bureaus of its parent agency (except such agencies and bureaus as specified):

Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Separate Component:

Health Care Financing Administration

Parent Agency: DEPARTMENT OF LABOR

Separate Components:

Employment and Training Administration

Employment Standards Administration

Parent Agency: DEPARTMENT OF DEFENSE

Separate Components:

Defense Communications Agency

Defense Intelligence Agency

² These five components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

Defense Nuclear Agency
National Security Agency
Defense Logistics Agency
Parent Agency: DEPARTMENT OF STATE
Separate Components:
Foreign Service Grievance Board
International Joint Commission, United States and Canada (American Section)
Parent Agency: DEPARTMENT OF JUSTICE
Separate Components:
Office of United States Attorney (for each Judicial district (94))—however, each such Office is not designated as separate from the Office of the U.S. Marshal for the same Judicial district.
Office of the United States Marshal (for each Judicial district (94))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same Judicial district.
Antitrust Division
Civil Rights Division
Land and Natural Resources Division
Tax Division
Criminal Division
Civil Division
Parent Agency: DEPARTMENT OF COMMERCE
Separate Components:
International Trade Administration
Minority Business Development Administration
National Telecommunication and Information Administration

4. Section 2637.216 is revised to read as follows:

§ 2637.216 "Senior Employee" designations.

In accordance with § 2637.211(b)(1), the following employee positions have been designated as "Senior Employee" positions for purposes of subsections 207(b)(ii) and (c) of title 18, U.S.C.³

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF ADMINISTRATION)

Positions:

AD Director, Automated Systems Division

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (COUNCIL OF ECONOMIC ADVISERS)

Positions: No Section 207(d)(1)(C) Designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions: No Section 207(d)(1)(C) Designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF MANAGEMENT AND BUDGET)

Positions:

SES Executive Associate Director

SES Executive Assistant to the Director
SES General Counsel
SES Deputy General Counsel
SES* Counselor and Director, External Affairs
SES* Budget Advisor to the Director
SES Associate Director for Legislative Affairs
SES Associate Director for Economic Policy
SES Deputy Associate Director for Economic Policy
SES Assistant Director for Legislative Reference
SES Deputy Assistant Director for Legislative Reference
SES Assistant Director for Administration
SES Assistant Director for Budget Review
SES Deputy Assistant Director for Budget Review
SES Deputy Administrator, Office of Information and Regulatory Management
SES Associate Director for Management
SES Deputy Assistant Director (Management)
SES Assistant Director for Financial Management
SES* Assistant Director for General Management
SES Associate Director for National Security and International Affairs
SES Deputy Associate Director for Special Studies, National Security and International Affairs
SES Deputy Associate Director for National Security
SES Deputy Associate Director for International Affairs
SES Associate Director for Human Resources, Veterans, and Labor
SES Deputy Associate Director for Special Studies, Human Resources, Veterans and Labor
SES Deputy Associate Director for Health and Income Maintenance
SES Deputy Associate Director for Labor, Veterans and Education
SES Associate Director for Natural Resources, Energy and Science
SES Deputy Associate Director for Special Studies, Natural Resources, Energy and Science
SES Deputy Associate Director for Natural Resources
SES Deputy Associate Director for Energy and Science
SES Associate Director for Economics and Government
SES Deputy Associate Director for Special Studies, Economics and Government
SES Deputy Associate Director for Transportation, Commerce and Justice
SES Deputy Associate Director for Housing, Treasury and Finance

Office of Federal Procurement Policy

SES Deputy Administrator for Procurement
SES Associate Director for Privatization

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (NATIONAL SECURITY COUNCIL)

Positions:

GS-18 Special Assistant to the President (12)
GS-17 Director, International Programs

GS-17 Director, European and Soviet Affairs
GS-17 Senior Director, White House Situation Support Staff
FEMC Director, African Affairs
FEMC Director, European and Soviet Affairs
FEMC Director, International Economic Affairs

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions:

SES Executive Director
SES Assistant Director for Defense Technology and Systems
SES Assistant Director for Energy, Natural Resources, and International Affairs
SES Assistant Director for General Science
SES Assistant Director for Institutional Relations
SES Assistant Director for Life Sciences
SES Assistant Director for Space Science and Technology

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE)

Positions:

SES General Counsel
SES Chief Textile Negotiator
SES Assistant U.S. Trade Representative—Congressional Affairs
SES Assistant U.S. Trade Representative—Public, Private, Intergovernmental Affairs
SES Special Negotiator for U.S.-Canada
SES Senior Deputy General Counsel
SES Deputy General Counsel
SES Assistant U.S. Trade Representative—Trade Policy Coordination
SES Assistant U.S. Trade Representative—Industry and Services
SES Assistant U.S. Trade Representative—Agriculture
SES Assistant U.S. Trade Representative—Europe and the Mediterranean
SES Assistant U.S. Trade Representative—Japan and China
SES Assistant U.S. Trade Representative—Trade Policy and Analysis
SES Assistant U.S. Trade Representative—Asia and the Pacific
SES Assistant U.S. Trade Representative—GATT Affairs
SES Assistant U.S. Trade Representative—Multilateral Negotiations
SES Assistant U.S. Trade Representative—Latin America, Caribbean and Africa
SES Counsellor to USTR
SES Deputy Assistant U.S. Trade Representative—Industry and Services
SES Deputy Assistant U.S. Trade Representative—GATT Affairs
SES Director—Computer Operations
SES Assistant U.S. Trade Representative—Administration

³ All positions designated pursuant to section 207(d)(1)(C) not previously designated before the most recent Federal Register publication, February 7, 1990, are marked by an asterisk (*). Positions automatically designated by sections 207(d)(1) (A) and (B) are not shown.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions: No Section 207(d)(1)(C) Designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (THE WHITE HOUSE OFFICE)

Positions: No Section 207(d)(1)(C) Designations.

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

Office of the Secretary

SES Deputy Assistant Secretary for Administration
 SES Deputy Assistant Secretary for Food and Consumer Services
 SES Deputy Assistant Secretary for Natural Resources and Environment (2)
 SES Deputy Under Secretary for Small Community and Rural Development
 SES Deputy Under Secretary for International Affairs and Commodity Programs
 SES Deputy Assistant Secretary for Marketing and Inspection Services (2)
 SES Deputy Assistant Secretary for Economics
 SES Deputy Assistant Secretary for Science and Education
 SES Deputy Assistant Secretary for Governmental and Public Affairs

Office of the Inspector General

SES Deputy Inspector General
 SES Assistant Inspector General for Audit
 SES* Assistant Inspector General for Policy Development and Resource Management
 SES Assistant Inspector General for Investigations
 SES Deputy Assistant Inspector General for Audit (2)
 SES Deputy Assistant Inspector General for Investigations

Office of the General Counsel

SES Deputy General Counsel

Office of Administrative Law Judges

No Section 207(d)(1)(C) Designations

Office of Personnel

SES Director
 SES Deputy Director

Office of Advocacy and Enterprise

SES Director
 SES Associate Director, Equal Opportunity
 SES Associate Director, SBDU

Office of Finance and Management

SES Director
 SES Deputy Director
 SES Assistant Director, Program Development
 SES Director, National Finance Center (NFC)
 SES Director, Information Resources Management Division
 SES Director, Financial Services Division

SES Director, Application Systems Division
 SES Director, Thrift Savings Plan Development Division

Office of Information Resources Management

SES Director
 SES Associate Director for Policy
 SES Associate Director for Operations

Office of Operations

SES Director

Office of Budget and Program Analysis

SES Director

World Agricultural Outlook Board

SES Chairperson
 SES Deputy Chairperson

Economic Research Service

SES Administrator
 SES Associate Administrator

National Agricultural Statistics Service

SES Administrator
 SES Deputy Administrator for Programs
 SES Deputy Administrator for Operations

Economics Management Staff

SES Director

Economic Analysis Staff

SES Director

Agricultural Cooperatives Service

SES Administrator

Rural Electrification Administration

SES Deputy Administrator—Program Operations
 SES Deputy Administrator—Policy and Program Support
 SES Assistant Administrator, Electric
 SES Assistant Administrator, Telephone
 SES* Program Advisor

Farmers Home Administration

SES Associate Administrator
 SES Deputy Administrator for Management
 SES Deputy Administrator Program Operations

Agricultural Research Service

SES Deputy Administrator, National Program Staff
 SES Associate Deputy Administrator, National Program Staff (2)
 SES Deputy Administrator, Administrative Management
 SES Associate Deputy Administrator, Administrative Management
 SES Administrator, Agricultural Research Service
 SES Associate Administrator, Agricultural Research Service

Extension Service

SES Administrator
 SES Associate Administrator

Cooperative State Research Service

SES Administrator
 SES Associate Administrator
 SES Associate Administrator, Grants and Program Systems

National Agricultural Library

SES* Director, National Agricultural Library

Soil Conservation Service

SES Chief
 SES Associate Chief
 SES Deputy Chief for Administration
 SES Deputy Chief for Technology
 SES Deputy Chief for Programs
 SES Assistant to the Chief, Strategic Planning and Budget Analysis

Forest Service

SES Chief
 SES Associate Chief
 SES Deputy Chief for Administration
 SES Deputy Chief for Research
 SES Associate Deputy Chief for Research (2)
 SES Deputy Chief, National Forest System
 SES Associate Deputy Chiefs, National Forest System (2)
 SES Deputy Chief, State and Private Forestry
 SES Associate Deputy Chief, State and Private Forestry
 SES Deputy Chief for Programs and Legislation
 SES Associate Deputy Chief for Programs and Legislation

Agricultural Stabilization and Conservation Service

SES Administrator
 SES Associate Administrator
 SES Deputy Administrator, State and County Operations
 SES Deputy Administrator, Management
 SES Deputy Administrator for Program Planning and Development
 SES Deputy Administrator, Commodity Operations

Federal Crop Insurance Corporation

SES Manager
 SES Deputy Manager
 SES Assistant Manager for Actuarial and Underwriting Services

Foreign Agricultural Service

SES Administrator
 SES Associate Administrator
 SES Associate Administrator and General Sales Manager

Office of International Cooperation and Development

SES Administrator
 SES Associate Administrator
 SES Assistant Administrator for International Research and Development

Food Safety and Inspection Service

SES Administrator
 SES Associate Administrator
 SES Deputy Administrator, Meat and Poultry Inspection Operations
 SES Deputy Administrator, Technical Services
 SES Deputy Administrator, Administrative Management
 SES Deputy Administrator, Science
 SES Deputy Administrator, International Programs

Food and Nutrition Service

SES Administrator
 SES Associate Administrator

Agricultural Marketing Service

SES Administrator
SES Deputy Administrator, Marketing Programs

Packers and Stockyards

SES Administrator
SES Deputy Administrator

Animal and Plant Health Inspection Service

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Veterinary Services
SES Deputy Administrator, Plant Protection and Quarantine
SES Deputy Administrator for Management and Budget
SES Deputy Administrator, Animal Damage Control
SES* Deputy Administrator, Regulatory Enforcement and Animal Care
SES* Director, Biotechnology, Biologics and Environmental Protection
SES* Director, Policy and Program Development
SES* Director, Science and Technology
SES* Deputy Administrator, International Services

Federal Grain Inspection Service

SES Deputy Administrator

Office of Transportation

SES Director

AGENCY: DEPARTMENT OF COMMERCE*Positions:***Office of the Secretary**

SES Counselor to the Secretary
SES* Chief of Staff

Office of the Associate Deputy Secretary

SES Associate Deputy Secretary

Office of Congressional and Intergovernmental Affairs

SES Deputy Assistant Secretary for Congressional Affairs
SES Deputy Assistant Secretary for Intergovernmental Affairs

Office of Public Affairs

SES Director

Office of General Counsel

SES Deputy General Counsel

Office of Under Secretary for Travel and Tourism

SES Deputy Under Secretary
SES Assistant Secretary for Tourism Marketing
SES* Deputy Assistant Secretary for Tourism Marketing
SES* Director, Office of Policy and Planning
SES Director, Office of World's Fairs and International Expositions

Office of Inspector General

SES Deputy Inspector General

Minority Business Development Agency

SES Director
SES Deputy Director
SES* Associate Director for Operations

SES* Assistant Director for Program Development

Office of Assistant Secretary for Administration

SES Deputy Assistant Secretary for Administration
SES Director for Budget, Planning, and Organization
SES Director, Office of Budget
SES Director for Procurement and Administrative Services
SES Deputy Director for Procurement and Administrative Services
SES Deputy Director for Procurement

Office of the Under Secretary for Economic Affairs

SES Deputy Under Secretary
SES Chief Economist

Office of Assistant Secretary for Technology Policy

SES Director, Office of Productivity, Technology and Innovation

Bureau of Economic Analysis

SES Director
SES Deputy Director

National Technical Information Service

SES Director
SES Deputy Director

National Telecommunications and Information Administration

SES Deputy Assistant Secretary

Office of Planning and Policy Coordination

SES Director, Office of Policy Coordination and Management

Office of Chief Counsel

SES Chief Counsel

Office of Spectrum Management

SES Associate Administrator
SES Deputy Associate Administrator

Office of Policy Analysis and Development

SES Associate Administrator

Institute for Telecommunications Sciences

SES Associate Administrator

Office of International Affairs

SES Associate Administrator

Bureau of the Census

SES Deputy Director

Demographic Programs

SES Associate Director

Management Services

SES Associate Director

Statistical Standards and Methodology

SES Associate Director

Field Operations

SES Associate Director

Decennial Census

SES Associate Director

Economic Programs

SES Associate Director

Economic Development Administration

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Loan Programs
SES Deputy Assistant Secretary for Grant Programs
SES Deputy Director for Grant Programs
SES Deputy Assistant Secretary for Management Support

International Trade Administration

SES Deputy Under Secretary
SES Deputy Assistant Secretary for Planning
SES Deputy Assistant Secretary for U.S. and Foreign Commercial Services
SES Deputy Assistant Secretary for Foreign Operations
SES Deputy Assistant Secretary for Domestic Operations

Office of the Assistant Secretary for International Economic Policy

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Europe
SES Deputy Assistant Secretary for Western Hemisphere
SES Deputy Assistant Secretary for East Asia and Pacific
SES Deputy Assistant Secretary for Africa, Near East, South Asia
SES* Deputy Assistant Secretary for Japan

Office of the Assistant Secretary for Import Administration

SES* Deputy Assistant Secretary for Import Administration
SES* Deputy Assistant Secretary for Compliance
SES* Deputy Assistant Secretary for Investigations

Office of the Assistant Secretary for Trade Development

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary for Services
SES Deputy Assistant Secretary for Basic Industries
SES Deputy Assistant Secretary to Capital Goods and International Construction
SES Deputy Assistant Secretary for Aerospace
SES Deputy Assistant Secretary for Trade Information and Analysis
SES Deputy Assistant Secretary for Trade Adjustment Assistance
SES Deputy Assistant Secretary for Science and Electronics
SES Deputy Assistant Secretary for Automotive Affairs and Consumer Goods
SES Deputy Assistant Secretary for Textiles and Apparel

Bureau of Export Administration**Office of the Under Secretary for Export Administration**

SES* Deputy Under Secretary for Export Administration
SES* Deputy Assistant Secretary for Industrial Resources Administration
SES Deputy Assistant Secretary for Export Administration
SES Deputy Assistant Secretary for Export Enforcement

National Institute of Standards and Technology

SES Deputy Director

Office of Associate Director for Programs, Budget and Finance

SES Associate Director for Programs, Budget and Finance

National Measurement Laboratory

SES Director

SES Deputy Director for Resources and Operations

SES Deputy Director for Programs

Institute for Materials Science and Engineering

SES Director

SES* Deputy Director

Office of Associate Director for Industry and Standards

SES Associate Director

National Engineering Laboratory

SES Director

SES Deputy Director

National Computer Systems Laboratory

SES Director

SES Deputy Director

National Oceanic and Atmospheric Administration**Office of the Assistant Secretary for Oceans and Atmosphere**

SES* Deputy Assistant Secretary for International Interests

Office of the General Counsel

SES General Counsel

National Marine Fisheries Service

SES* Executive Director

SES Assistant Administrator for National Marine Fisheries Services

SES Deputy Assistant Administrator

Office of Oceanic and Atmospheric Research

SES Assistant Administrator for Oceanic and Atmospheric Research

SES Deputy Assistant Administrator

National Weather Service

SES Assistant Administrator for Weather Services

SES Deputy Assistant Administrator

National Ocean Services

SES Assistant Administrator for Ocean Services and Coastal Zone Management

SES Deputy Assistant Administrator for Ocean Services

National Environmental Satellite Data and Information Service

SES Assistant Administrator

SES Deputy Assistant Administrator for Satellites

NOAA Corps

08 Director

Patent and Trademark Office

GS-18 Deputy Assistant Secretary and Deputy Commissioner

Office of Assistant Commissioner for Patents

GS-18 Assistant Commissioner

SES Deputy Assistant Commissioner

Office of Assistant Commissioner for Trademarks

GS-17 Assistant Commissioner

SES Deputy Assistant Commissioner

Office of Assistant Commissioner for External Affairs

SES Assistant Commissioner

Office of the Assistant Commissioner for Finance and Planning

SES Assistant Commissioner

Office of the Assistant Commissioner for Administration

SES Assistant Commissioner

Office of the Solicitor

SES Solicitor

SES Deputy Solicitor

Office of the Assistant Commissioner for Information Systems

SES* Assistant Commissioner

Board of Patents Appeals and Interferences

SES* Chairman

AGENCY: DEPARTMENT OF DEFENSE**Positions:****Immediate Office of the Secretary of Defense**

SES Assistant to the Secretary of Defense (Intelligence Oversight)

SES Assistant to the Secretary of Defense and Deputy Secretary of Defense

0-7 Senior Military Assistant to the Deputy Secretary of Defense

Office of the Director, Operational Test and Evaluation

SES Deputy Director for Policy, External Affairs, and Special Programs

SES Deputy Director for Plans and Programs

SES Director, Strategic Defense System Operational Test Organization

SES Deputy Director for Resources and Administration

Office of the Under Secretary of Defense (Policy)

SES Deputy Under Secretary of Defense for Trade Security Policy/Director, Defense Technology Security Administration

SES Deputy Under Secretary of Defense (Planning and Resources)/Special Advisor for NATO Armaments

SES Assistant Deputy Under Secretary of Defense (Trade Security Policy)

Net Assessment

SES Director of Net Assessment

Office of the Deputy Under Secretary of Defense (Policy)

SES Director, Special Advisory Staff

SES Deputy Under Secretary of Defense for Policy

SES Assistant Deputy Under Secretary of Defense (Policy)

SES Assistant Deputy Under Secretary of Defense (Counterintelligence and Security)

SES Director for Security Plans and Programs

SES Director, Counterintelligence and Investigative Programs

SES Director, International Security Programs

SES Director, Defense Security Institute

Office of the Assistant Secretary of Defense (International Security Policy)

SES Principal Director, European and NATO Policy

SES Special Assistant to the Deputy Assistant Secretary of Defense (European and NATO Policy)

SES Director, Strategic Arms Control Policy

SES Director, European Policy

SES Director, Regional Policy

SES Deputy Assistant Secretary of Defense (Nuclear Forces and Arms Control Policy)

SES Deputy Assistant Secretary of Defense (Negotiations Policy)

SES Director, Strategic Forces Policy

SES Director, Verification Policy

SES Principal Director and Counselor, Negotiations Policy

SES Director, Multilateral Negotiations

SES Director, Theater Nuclear Forces Policy

SES Principal Director, Nuclear Forces

Arms Control Policy

SES Director, Strategic Defense and Space Arms Control Policy

SES Deputy Assistant Secretary of Defense (European and NATO Policy)

SES Principal Deputy Assistant Secretary of Defense (International Security Policy)

0-8 Advisor for NATO Affairs/Director, NATO Policy

SES* OSD Representative to the Special Verification Commission (SVC)

SES* Director for European Security Negotiations

SES* Deputy Assistant Secretary of Defense (Nuclear Forces & Arms Control Policy)

Office of the Assistant Secretary of Defense (International Security Affairs)

SES Director, Foreign Military Rights Affairs

SES Director, Africa Region

SES Deputy Assistant Secretary of Defense (Inter-American Affairs)

SES Director, Policy Planning

SES Director, Humanitarian Assistance

SES Director, Near East and South Asia Region

SES Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)

SES Principal Deputy Assistant Secretary of Defense (International Security Affairs)

SES Deputy Assistant Secretary of Defense for African Affairs

SES Deputy Assistant Secretary of Defense for Policy Analysis

SES Principal Director, Policy Analysis

SES Deputy Assistant Secretary of Defense (Near Eastern and South Asian Affairs)

0-7 Director, Inter-American Region

0-7 Director, East Asia Pacific Region

SES* Director, Strategic Countermeasures Planning

Defense Security Assistance Agency

SES Director, Security Assistance Operations
 SES Deputy Comptroller, Defense Security Assistance Agency
 SES Deputy Director for Policy and Plans
 SES Comptroller, Defense Security Assistance Agency
 SES Director for Plans
 SES Deputy Director, Defense Security Assistance Agency

Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)

SES Deputy Assistant Secretary of Defense (Resources)
 0-7 Deputy Assistant Secretary of Defense (Special Operations and Low Intensity Conflict)
 SES* Principal Deputy Assistant Secretary of Defense (Special Operations & Low Intensity Conflict)

Office of the Under Secretary of Defense (Acquisition)

SES Director, Small and Disadvantaged Business Utilization
 SES Deputy Director, Program Assessment
 SES Deputy Director, Acquisition Systems Management
 SES Director, Program Integration
 SES Deputy Director, Program and Budget Integration
 0-7 Director, Special Programs
 SES* Director (Land Warfare)
 SES* Assistant Deputy Under Secretary of Defense (Asia/Southern Hemisphere)
 SES* Director, DOD Contracted Advisory and Assistance Services
 SES* Deputy Under Secretary of Defense (Industrial and International Programs)
 SES* Assistant Deputy Under Secretary of Defense (Planning and Analysis)
 SES* Assistant Deputy Under Secretary of Defense (Manufacturing and Industrial Programs)
 SES* Assistant Deputy Under Secretary of Defense (International Technology and Trade)
 SES Assistant Deputy Under Secretary of Defense (International Development and Production Programs)
 0-7* Special Assistant, Program Integration

Office of the Director Defense Research and Engineering

SES Assistant Deputy Under Secretary of Defense (Defensive Systems)
 SES Assistant Deputy Under Secretary of Defense (Strategic Aeronautical and Theater Nuclear Systems)
 SES Director, Engineering Technology
 SES Deputy Under Secretary of Defense (Research and Advanced Technology)
 SES Director, Defensive Programs
 SES Director, Strategic Aeronautical and Theater Nuclear Systems
 SES Director, Offensive and Space Systems
 SES Deputy Assistant to the Secretary of Defense (Chemical Matters)
 SES Director, Office of Munitions
 SES Director, Environmental and Life Sciences
 SES Assistant Deputy Under Secretary of Defense (Land Warfare)

SES Deputy Director, Defense Technology

Security Administration
 SES Director, Office of Conventional Initiatives
 SES Director, Force Analysis Concepts and Plans
 SES Director, Live Fire Test
 SES Director, Research and Laboratory Management
 SES Director, Electronic Systems Technology
 SES Deputy Director of Defense Research and Engineering (Test and Evaluation)
 SES Director, Weapon Systems Assessment
 0-7 Assistant Deputy Under Secretary of Defense (Tactical Warfare Programs)
 0-7 Assistant Deputy Under Secretary (Strategic and Theater Nuclear Forces)
 0-7 D/ATSD (Atomic Energy)(MA) and Executive Secretary (MILC)
 SES* Director (Naval Warfare and Mobility)
 SES* Deputy Director Research & Engineering (Strategic & Theater Nuclear Forces)
 SES* Deputy Director Defense Research & Engineering (Tactical Warfare Programs)
 SES* Director (Air Warfare)
 SES* Director (Start & Arms Control Office)
 SES* Deputy Director of Defense Research and Engineering for Research and Advanced Technology
 SES* Director, Special T&E Programs

Office of the Assistant Secretary of Defense (Production and Logistics)

SES Deputy Assistant Secretary of Defense (Procurement)
 SES Deputy Assistant Secretary of Defense (Installations)
 SES Director, Cost, Pricing and Finance
 SES Director, Standardization and Acquisition Support
 SES Director for Maintenance Policy
 SES Director, Industrial Resources
 SES Director, Automated Systems Research and Information
 SES Director, Facility Requirements and Resources
 SES Director, Installations Management
 SES Deputy Assistant Secretary of Defense (Logistics)
 SES Director, Weapon Support
 SES Director, Logistics Planning and Analysis
 SES Director, Installations Planning
 SES Director, International Logistics
 SES Director, Contract Policy and Administration
 SES Deputy Director, Weapon Support
 SES Director, Spares Program Management
 SES Director, Transportation Policy
 SES Director, Supply Management Policy
 SES Deputy Director, Supply Management Policy
 SES Director, Energy Policy
 SES Director, Computer Aided Logistics Support Office
 SES Deputy Assistant Secretary of Defense (Environment)
 SES Director, Industrial Productivity and Quality
 SES Deputy Director, Manufacturing and Quality
 SES Deputy Assistant Secretary of Defense (Systems)

SES Director, Defense Systems Procurement Strategies

SES Executive Director, Defense Secretary's Commission on Base Realignment and Closure
 SES Asst. to the Asst. Secretary of Defense (P&L) for Stockpile Policy and Programs
 SES* Principal Director, Environmental Restoration
 SES* Director, Strategic and Critical Defense Materials
 SES* Deputy Assistant Secretary of Defense (Total Quality Management)
 0-7* Military Deputy to the Assistant Secretary of Defense (Production & Logistics)
 SES Director, Defense Acquisition Regulatory System and Council

Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence)

SES Director, National Intelligence Systems
 SES Director, Information Systems
 SES Director, Theater and Tactical C3
 SES Director, Strategic and Theater Nuclear Forces C3
 SES Assistant Director, Electronic Combat Systems (Electronic Warfare)
 SES Deputy Assistant Secretary of Defense (Intelligence)
 SES Deputy Assistant Secretary of Defense (Plans and Resources)
 SES Director, Resource Management
 SES Assistant Director for Electronic Combat (Command, Control, Communications Countermeasures)
 SES Director, Mission Assessment and Evaluation
 SES Director, Special Operations
 SES Director, Electronic Combat and Special Systems
 SES Staff Assistant for Strategic C3
 SES Director, Tactical Intelligence Systems
 SES Deputy Director, Tactical Intelligence System
 SES Deputy Director, National Intelligence Systems
 SES Principal Deputy Assistant Secretary of Defense (Command, Control, Communications and Intelligence)
 SES Director, Intelligence Resources and Training
 SES Deputy Director, Theater and Tactical Command, Control and Communications
 SES* Director, Special Technology Support
 SES* Deputy Assistant Secretary of Defense (Command, Control, and Communications)
 SES* Director, Electronic Combat

Defense Advanced Research Projects Agency

SES Director, Directed Energy Office
 SES Director, Program Management Office
 SES Director, Tactical Technology Office
 SES Director, Strategic Technology Office
 SES Director, Defense Sciences Office
 SES Director, Technology Assessment and Long Range Planning Office
 SES Director, Aero-Space and Technology Office
 SES Director, Naval Technology Office
 SES Director, Prototype Projects Office
 SES Director, Contracts Management Office
 SES Deputy Director for Systems and Technology

SES Deputy Director for Research
 SES Director, Information Sciences and Technology Office
 SES Director, Defense Advanced Research Projects Agency Liaison Office—Europe
 SES Director, Nuclear Monitoring Research Office
 SES Assistant Director for Armor/Anti-Armor
 SES Director, Defense Advanced Research Projects Agency
 SES* Assistant Director, Smart Weapons and Sensors
 SES* Associate Director Research
 SES* Assistant Director, Technology
 SES* Assistant Director, Communications, Command, Control, and Intelligence
 SES* Director, Prototype Planning Office
 SES* Chief Scientist
 SES* Assistant Director, Systems
 SES* Deputy Director, Defense Manufacturing Office
 SES* General Counsel

Office of the Assistant Secretary of Defense (Reserve Affairs)

SES Deputy Assistant Secretary of Defense (Guard/Reserve Material and Facilities)
 SES Principal Deputy Assistant Secretary of Defense (Reserve Affairs)
 SES Deputy Assistant Secretary of Defense (Guard/Reserve Program and Budget)
 0-7 Deputy Assistant Secretary of Defense (Guard/Reserve Readiness and Training)
 0-8 Military Advisor/Executive Officer RFPB (Negotiations)
 SES* Deputy Assistant Secretary of Defense (Guard/Reserve Manpower and Personnel)
 SES* Principal Director (Guard/Reserve Readiness and Training)
 SES* Principal Director (Guard/Reserve Manpower and Personnel)

Strategic Defense Initiative

SES Deputy Director, Strategic Defense Initiative Organization
 SES Director, Innovative Science and Technology
 SES Director, Directed Energy Office
 SES General Counsel
 SES Director, Strategic Defense Initiative Programs
 SES Deputy for Technology
 SES Associate Deputy for Technology
 SES Associate Deputy for Programs and Systems
 SES Deputy Comptroller
 SES Special Advisor for International and Governmental Affairs
 SES Deputy Program Manager, SDS Phase I
 0-8 Deputy for Programs and Systems
 SES* Director, Program Planning
 SES* Deputy Director, Resource Management

Office of the Assistant Secretary of Defense (Force Management and Personnel)

SES Director for Safety and Occupational Health Policy
 SES Director, Intergovernmental Affairs
 SES Director, Civilian Requirements and Analysis
 SES Director, Accession Policy
 SES Deputy Director for Compensation and Overseas Employment Policy

SES Deputy Assistant Secretary of Defense (Resource Management and Support)
 SES Principal Deputy Assistant Secretary of Defense (Force Management and Personnel)
 SES Deputy Assistant Secretary of Defense (Family Support, Education and Safety)
 SES Director for Workforce Relations, Training and Staffing Policy
 SES Deputy Assistant Secretary for Defense (Civilian Personnel Policy)
 SES Director, Personnel Management
 SES Deputy Director for Civilian Employment Stability Nonappropriated Funds and Special Projects
 SES Director for Civilian Equal Opportunity Program
 SES Director, Mobilization Planning and Requirements
 SES Director, Educational Liaison
 0-8 Deputy Assistant Secretary of Defense Mobilization Planning & Requirements

Department of Defense Dependents Schools

SES Director, Department of Defense Dependents Schools
 SES Director, Pacific Region, Department of Defense Dependents Schools
 SES Director, Germany Region
 SES* Deputy Director, DODDS

Office of Economic Adjustment

SES Director, Office of Economic Adjustment
 SES* Associate Director for Community Planning

Defense Mobilization Systems Planning Activity

SES Assistant Director for Resource Management
 SES Deputy Assistant Director for Resource Management
 SES Deputy Assistant Director for Mobilization Systems
 SES Deputy Director, Defense Mobilization Systems Planning Activity
 SES Deputy Assistant Director for Engineering
 SES Special Assistant to the Deputy Director, Defense Mobilization Systems Planning Activity
 SES Director for Systems Engineering and Integration
 SES Assistant Director for Program Analysis and Implementation
 SES Chief, Facilities Plans Division

Office of the Assistant Secretary of Defense (Legislative Affairs)

SES Deputy Assistant Secretary of Defense (Senate Affairs)
 SES Deputy Assistant Secretary of Defense (House Affairs)

Office of the Assistant Secretary of Defense (Comptroller)

SES Director for Program and Financial Control
 SES Director for Research and Development
 SES Director for Military Personnel
 SES Director for Procurement
 SES Associate Director for Budget
 SES Director for Construction
 SES Director for Operations
 SES Deputy Comptroller Management Systems

SES Director for Accounting Policy
 SES Deputy Director for Plans and Systems
 SES Director for Financial Services Policy
 SES Director for Plans and Systems
 SES Principal Deputy Comptroller
 SES Director for Management Improvement
 SES Director, Policy and Systems Division
 SES Director, Finance and Operations Division
 SES Deputy Assistant Secretary of Defense (Information Resources Management)
 SES Director, Policy and Standards
 SES* Assistant Deputy Comptroller (Program/Budget)
 SES* Deputy Director for Construction
 SES* Director, Systems and Services
 SES* Deputy Director for Military Personnel
 SES* Deputy Director for Management Improvement
 SES* Director, Resources and Assessment
 SES* Deputy Director for Financial Services Policy
 SES* Director, Review and Control
 SES* Deputy Comptroller (Program/Budget)
 SES* Deputy Comptroller (Information Resources Management)
 SES* Assistant Director for Cost Management

Office of the Assistant Secretary of Defense (Health Affairs)

SES Principal Deputy Assistant Secretary of Defense (Health Affairs)
 SES Director, Defense Medical Systems Support Center
 SES Deputy Assistant Secretary of Defense for Medical Resources Administration
 SES Principal Director for Professional Affairs and Quality Assurance
 SES Deputy Assistant Secretary of Defense for Health Program Management
 SES Principal Director for Medical Resources Administration
 SES* Deputy Assistant Secretary of Defense (Health Management Systems)
 0-8* Deputy Assistant Secretary of Defense for Professional Affairs and Quality Assurance

Office of the Assistant Secretary of Defense of Program Analysis and Evaluation

SES Director, Land Forces Division
 SES Director, Naval Forces Division
 SES Deputy Assistant Secretary of Defense (Strategic Programs)
 SES Director, Strategic Offensive Forces Division
 SES Director, Strategic Defensive and Theater Nuclear Forces Division
 SES Deputy Assistant Secretary of Defense (Resource Analysis)
 SES Deputy Assistant Secretary of Defense (General Purpose Programs)
 SES Director, Tactical Air Division
 SES Director, Program Analysis and Evaluation
 SES Deputy Assistant Secretary of Defense (Theater Assessments and Planning)
 SES Principal Deputy Assistant Secretary of Defense (Program Analysis and Evaluation)
 SES Director, Economic Analysis and Resource Planning Division
 SES Director, Force Structure and Support Cost Analysis Division
 SES Director, Research and Development/Procurement Cost Analysis Division

SES Director, Europe and Pacific Forces Division

SES Director, Projection Forces Division

Office of the Assistant Secretary of Defense (Public Affairs)

SES Principal Deputy Assistant Secretary of Defense (Public Affairs)

SES Director, Freedom of Information and Security Review

SES Director, American Forces Information Service

SES Deputy Assistant Secretary of Defense (Public Affairs)

Office of the General Counsel

SES Assistant General Counsel (Personnel and Health Policy)

SES Deputy General Counsel

SES Assistant General Counsel (Fiscal and Inspector General)

SES Assistant General Counsel (Logistics)

SES Assistant General Counsel (Legal Counsel)

SES Assistant General Counsel (International and Intelligence)

U.S. Mission to the North Atlantic Treaty Organization

SES Defense Advisor, U.S. Mission to North Atlantic Treaty Organization

SES Director, Communications and Electronics Division

SES Director, Infrastructure and Logistics Division

SES Director, Defense Plans Division

SES Special Deputy to the Defense Advisor for Policy Analysis

SES Administrative Advisor to the U.S. Ambassador to NATO

SES Deputy Defense Advisor

Washington Headquarters Services

SES Director of Personnel and Security

SES Director, Information Operations and Reports

SES Director of Budget and Finance

SES Director for Real Estate and Facilities

SES Senior Director, Asian Affairs

SES Directorate

SES Deputy Executive Secretary for External Affairs

SES Director of NSC Security Operations

SES* Deputy Director, Real Estate and Facilities

SES* Deputy Director, Budget and Finance/Chief Budget Division

SES* Deputy Director, Personnel & Security

SES* Deputy Director for Organizational and Management Planning

SES* Deputy Director for Organizational and Management Planning

SES* Deputy Director for Organizational and Management Planning

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SES* Deputy Director for Organizational and Management Planning

SES* Deputy Director for Organizational and Management Planning

International Military Activities Staff

SES Director of Logistics (NAMSA)

SES* General Manager, NATO

Maintenance and Supply Agency (NAMSA)

Organization of the Joint Chiefs of Staff

SES Assistant Deputy Director for Plans, Concepts and Analysis

SES* JCS Representative for Conventional Stability Talks (CST) and Chief, U.S. Military Delegation in Vienna

SES* Deputy Director for Command, Control and Communications Systems Integration

0-7* Deputy Director for Planning, Concepts, Analysis

0-8* Deputy Director, Medical Mobilization Program

0-7* Deputy Director for PMA J-5

0-7* Assistant Deputy Director, International Negotiations J-5

0-7* JCS Representative for Space J-5

0-7* Deputy Director, Unified & Specified Command C3 Support J-6

0-8* Deputy Director, Defense-Wide C3 Support J-6

0-8* Director, OPLN and Interoperability Directorate J-7

0-7* Vice Director for Operational Plans and Integration J-7

0-8* Director, Force Structure Resources & Assessment Directorate J-8

0-7* Deputy Director for Force Structure & Resources J-8

0-7* Deputy Director for Assessment J-8

Department of Defense Inspector General

SES Deputy Inspector General

SES Assistant Inspector General for Investigations

SES Director for Contract and External Audit Oversight and Evaluation

SES Deputy Assistant Inspector General for GAO Reports Analysis

SES Director, Major Acquisition Programs

SES Director, Contract Audit Programs

SES Assistant Inspector General for Criminal Investigations Policy and Oversight

SES Assistant Inspector General for Audit Policy and Oversight

SES Deputy Assistant Inspector General (Analysis and Followup)

SES Deputy Assistant Inspector General for Auditing

SES Director, Financial Manpower and Security Assistance Audits

SES Deputy Assistant Inspector General for Investigations

SES Assistant Inspector General for Special Programs

SES Deputy Assistant Inspector General for Inspections

SES Director, Acquisition Support Programs

SES Director, Intelligence, Communications and Related Programs

SES Assistant Inspector General for Auditing

SES Assistant Inspector General for Analysis and Followup

SES Assistant Inspector General for Administration and Information Management

0-7 Assistant Inspector General for Inspections

SES* Deputy Assistant Inspector General for Audit Policy and Oversight

SES* Deputy Assistant Inspector General for Administration and Information Management

SES* Director, Audit Support

National Security Agency/Central Security Service

0-7 Deputy Director, National Security Agency/Central Security Service

U.S. Court of Military Appeals

SES Clerk of the Court

AGENCY: DEPARTMENT OF THE AIR FORCE

Positions:

Civilian

Secretariat

Under Secretary of the Air Force

SES* Deputy Under Secretary of the Air Force (International Affairs)

SES Deputy Assistant Secretary (Force Support)

SES Deputy Assistant Secretary (Environment, Safety and Occupational Health)

SES Deputy Assistant Secretary (Installations)

SES Deputy Assistant Secretary (Logistics)

Assistant Secretary of the Air Force for Acquisition

SES Deputy Assistant Secretary (Acquisition Management and Policy)

SES Deputy Assistant Secretary (Command, Control, Communications and Computer Systems Management)

SES Associate Director, Contracting and Manufacturing Policy

SES The Air Force Competition Advocate General

Assistant Secretary of the Air Force for Financial Management and Comptroller

SES Principal Deputy Assistant Secretary of the Air Force, Financial Management (Financial Management)

SES* Deputy Assistant Secretary (Accounting and Finance)

SES* Deputy Assistant Secretary (Cost and Economics)

SES Deputy Assistant Secretary (Plans, Systems and Analysis)

SES Deputy for Budget

SES Deputy for Policy and Banking

SES Assistant Deputy for Accounting

SES Management Systems Deputy

SES* Director, Plans and Systems, Air Force Accounting and Finance Center

SES* Director, Security Assistance Accounting Center

Assistant Secretary of the Air Force for Manpower and Reserve Affairs

SES Principal Deputy Assistant Secretary of the Air Force (Manpower and Reserve Affairs)

SES Deputy Assistant Secretary (Manpower Resources and Military Personnel)

SES Deputy Assistant Secretary (Reserve Affairs)

Assistant Secretary of the Air Force for Space

SES* Principal Deputy Assistant Secretary of the Air Force (Space)

SES* Deputy Assistant Secretary (Space Plans and Policy)

SES Deputy for Contracting

Office of the Auditor General

SES The Auditor General

SES Assistant Auditor General (Acquisition and Logistics Systems), Air Force Audit Agency

Office of Small and Disadvantaged Business Utilization

SES Director, Office of Small and Disadvantaged Business Utilization

Administrative Assistant to the Secretary of the Air Force

SES Administrative Assistant to the Secretary of the Air Force

General Counsel

SES Deputy General Counsel

SES Assistant General Counsel, Procurement

Air Staff**Assistant Chief of Staff, Systems for Command, Control, Communications and Computers**

SES* Director, Technology and Architecture

Deputy Chief of Staff, Logistics and Engineering

SES Associate Director, Engineering and Services

SES Associate Director, Logistics Plans and Programs

SES Chief, Combat Support Programs Division

SES Chief, Modification and Operations and Maintenance Programs Division

SES Deputy to the Commander, Air Force Commissary Service

Major Commands**Air Force Communications Command**

SES* Deputy Commander, Standard Systems Center

Air Force Logistics Command

SES Chairperson, Air Force Logistics Command Procurement Committee

SES Assistant Deputy Chief of Staff, Distribution

SES Assistant Deputy Chief of Staff, Logistics Management Systems

SES Assistant Deputy Chief of Staff, Materiel Management

SES Assistant Deputy Chief of Staff, Maintenance

SES Assistant Deputy Chief of Staff, Plans and Programs

SES Assistant Deputy Chief of Staff, Contracting and Manufacturing

SES* Deputy Staff Judge Advocate

SES Assistant Deputy for Aeronautical Programs, Air Force Acquisition Logistics Center

SES Assistant to the Commander, Air Force Electronic Combat Office (AFECO) (AFLC/AFSC)

SES Deputy Director, Contracting and Manufacturing, Ogden Air Logistics Center

SES Deputy Director, Materiel Management, Ogden Air Logistics Center

SES Deputy Director, Contracting and Manufacturing, Oklahoma City Air Logistics Center

SES Deputy Director, Materiel Management, Oklahoma City Air Logistics Center

SES Deputy Director, Contracting and Manufacturing, Sacramento Air Logistics Center

SES Deputy Director, Materiel Management, Sacramento Air Logistics Center

SES Deputy Director, Contracting and Manufacturing, San Antonio Air Logistics Center

SES Deputy Director, Materiel Management, San Antonio Air Logistics Center

SES Deputy Director, Contracting and Manufacturing, Warner Robins Air Logistics Center

SES Deputy Director, Materiel Management, Warner Robins Air Logistics Center

Air Force Systems Command (AFSC)**Headquarters AFSC**

SES Principal Assistant Deputy Chief of Staff, Contracting

SES* Principal Assistant Deputy Chief of Staff, Product Assurance and Acquisition Logistics

SES* Assistant Deputy Chief of Staff, Plans and Programs

SES* Director, Contract Clearance and Policy Development

SES Chief Engineer

SES* Assistant for Intelligence

SES Assistant to Staff Judge Advocate

Air Force Office of Scientific Research

SES* Director, Air Force Office of Scientific Research

SES Director, Aerospace Sciences

SES Director, Chemical and Atmospheric Sciences

SES Director, Electronics and Materiel Sciences

SES Director, Life Sciences

SES Director, Mathematical and Information Systems

Aeronautical Systems Division

SES* Deputy for Development Planning

SES Assistant Deputy for Contracting and Manufacturing

SES Assistant Deputy (Deputy for Tactical Systems)

SES Assistant Deputy for Reconnaissance, Strike and Electronic Warfare

SES* Director, Flight Systems

SES* Director, Systems Engineering

SES* Deputy Program Director, Propulsion System Program Office

SES* Deputy Program Director, Systems Program Office

Wright Research and Development Center**Aero-Propulsion Laboratory**

SES Director, Air Force Aero-Propulsion Laboratory

Avionics Laboratory

SES* Director, Avionics Laboratory

Electronic Technology Laboratory

SES* Director, Electronic Technology Laboratory

Materials Laboratory

SES Research and Development Executive (Director, ML)

SES Director, Manufacturing Technology Division

Electronic Systems Division

SES Deputy Commander for Development Plans and Support Systems

SES* Deputy for Product Assurance and Acquisition Logistics

SES Assistant Deputy for Contracting and Manufacturing

SES Assistant Deputy for Strategic Systems

SES Assistant Deputy Commander for Tactical Systems, Joint Tactical Information Distribution System (JTIDS), and Airborne Warning and Control System (AWACS)

Munition Systems Division

SES* Deputy for Range Systems

SES* Deputy Program Director, Advanced Medium Range Air-to-Air Missile (AMRAAM) Systems Program Office

Space Systems Division

SES Assistant Deputy for Acquisition Management and Competition

SES* Deputy Program Director, Launch Systems

Air Force Space Technology Center**Astronautics Laboratory**

SES* Director, Astronautics Laboratory

Contract Management Division

SES Assistant for Contract Administration Services

Joint and Executive Agencies, National Aerospace Plane Joint Program Office

SES* Director, National Aerospace Plane Joint Program Office

United States Transportation Command

SES* Deputy Director, Command, Control, Communications and Computer Systems

Military**Secretariat****Assistant Secretary of the Air Force for Acquisition**

0-7/0-8 Principal Deputy Assistant Secretary of the Air Force for Acquisition

0-7/0-8 Director, Contracting and Manufacturing Policy

0-7/0-8 Director, Program Planning and Integration

0-7/0-8 Director, Space and Strategic Defense Initiative (SDI) Programs; and Assistant to Vice Commander AFSC, for SDI

0-7/0-8 Director, Tactical Programs

Assistant Secretary of the Air Force for Financial Management and Comptroller

0-7/0-8 Deputy Assistant Secretary (Budget)

0-7/0-8 Director, Budget Operations

0-7/0-8 Commander, Air Force Accounting and Finance Center; Assistant Comptroller for Accounting and Finance; and Assistant Director, Security Assistance Accounting, Defense Security Assistance Agency

The Auditor General of the Air Force

0-7/0-8 Commander, Air Force Audit Agency; and Deputy Auditor General

The Inspector General of the Air Force

0-7/0-8 Deputy Inspector General of the Air Force

0-7/0-8 Commander, Air Force Office of Special Investigations; and Assistant Inspector General for Special Investigations

Office of Space Systems

0-7/0-8 Director, Office of Space Systems

Office of Special Projects

0-7/0-8 Director of Special Projects; and Assistant Vice Commander, Space Systems Division (AFSC)

Air Staff**Office of Air Force Reserve**

0-7/0-8 Chief of Air Force Reserve; and Commander, Air Force Reserve

National Guard Bureau

0-7/0-8 Director, Air National Guard

Assistant Chief of Staff, Systems for Command, Control, Communications and Computers

0-7/0-8 Assistant Chief of Staff, Systems for Command, Control, Communications and Computers

0-7/0-8 Deputy Assistant Chief of Staff, Systems for Command, Control, Communications and Computers

Assistant Chief of Staff, Studies and Analyses

0-7/0-8 Assistant Chief of Staff, Studies and Analyses; and Commander, Air Force Center for Studies and Analyses

Office of the Judge Advocate General

0-7/0-8 The Judge Advocate General; and Commander, Air Force Legal Services Center

0-7/0-8 Deputy Judge Advocate General

Deputy Chief of Staff, Logistics and Engineering

0-7/0-8 Director, Logistics Plans and Programs

0-7/0-8 Director, Engineering and Services

0-7/0-8 Director, Transportation

0-7/0-8 Special Assistant to the Principal Deputy Assistant Secretary of the Air Force for Acquisition, and the Deputy Chief of Staff, Logistics and Engineering, for Reliability and Maintainability

0-7/0-8 Commander, Air Force Commissary Service

Deputy Chief of Staff, Plans and Operations

0-7/0-8 Director, Plans

Deputy Chief of Staff, Programs and Resources

0-7/0-8 Assistant Deputy Chief of Staff, Programs and Resources

0-7/0-8 Director, Programs and Evaluation

0-7/0-8 Director, International Programs; and Commander, Air Force Center for International Programs

Major Commands**Air Force Communications Command**

0-7/0-8 Commander, Air Force Communications Command

0-7/0-8* Commander, Computer Systems Division; and Commander, Standard Systems Center

Air Force Logistics Command

0-7/0-8 Chief of Staff

0-7/0-8 Deputy Chief of Staff, Contracting and Manufacturing

0-7/0-8 Deputy Chief of Staff, Materiel Management

0-7/0-8 Deputy Chief of Staff, Maintenance

0-7/0-8 Deputy Chief of Staff, Plans and Programs

0-7/0-8 Staff Judge Advocate

0-7/0-9 Commander, Acquisition Logistics Division

0-7/0-8 Commander, Air Force Logistics Command, International Logistics Center; and Assistant for International Logistics

0-7/0-8 Commander, Air Force Logistics Command Logistics Management Systems Center; and Deputy Chief of Staff, Communications-Computer Systems

0-7/0-8 Commander, Air Force Logistics Command Logistics Operations Center; and Assistant Deputy Chief of Staff, Systems and Requirements

0-7/0-8 Commander, Ogden Air Logistics Center

0-7/0-8 Commander, Oklahoma City Air Logistics Center

0-7/0-8 Commander, Sacramento Air Logistics Center

0-7/0-8 Commander, San Antonio Air Logistics Center

0-7/0-8 Commander, Warner Robins Air Logistics Center

Air Force Systems Command**Headquarters AFSC**

0-7/0-8 Chief of Staff

0-7/0-8 Deputy Chief of Staff, Contracting

0-7/0-8 Deputy Chief of Staff, Technology and Requirements Planning

0-7/0-8 Deputy Chief of Staff, Test and Resources

0-7/0-8 Deputy Chief of Staff, Systems

0-7/0-8 Deputy Chief of Staff, Product Assurance and Acquisition Logistics; and Special Assistant to Commander, AFSC, for Total Quality Management

0-7/0-8 Staff Judge Advocate

Aeronautical Systems Division

0-7/0-8 Vice Commander, Aeronautical Systems Division

0-7/0-8 Program Director, B-2 Systems Program Office

0-7/0-8 Program Director, C-17 Systems Program Office

0-7/0-8 Program Director, F-16 Systems Program Office

0-7/0-8 Program Director, Advanced Tactical Fighter

Munition Systems Division

0-7/0-8 Commander, Munition Systems Division

0-7/0-8 Vice Commander, Munition Systems Division

0-7/0-8 Program Director for Advanced Medium Range Air-to-Air Missile

Electronic Systems Division

0-7/0-8 Vice Commander, Electronic Systems Division

0-7/0-8 Deputy Commander for Tactical Systems

Space Systems Division

0-7/0-8 Vice Commander, Space Systems Division; and Deputy Commander for Defense and Surveillance

0-7/0-8 Deputy Commander for Communications, Operations Support and Control Systems

Contract Management Division

0-7/0-8 Commander, Contract Management Division

Air Force Flight Test Center

0-7/0-8 Commander, Air Force Flight Test Center

Ballistic Systems Division

0-7/0-8 Commander, Ballistic Systems Division

Joint and Executive Agencies**Army and Air Force Exchange Service**

0-7/0-8 Commander, Army and Air Force Exchange Service

0-7/0-8 Vice Commander, Army and Air Force Exchange Service

AGENCY: DEPARTMENT OF THE ARMY**Positions:****Civilian Positions****Office of the Secretary**

SES Administrative Assistant to the Secretary of the Army

SES Deputy Administrative Assistant to the Secretary of the Army

SES Director of Small & Disadvantaged Business Utilization

Army Audit Agency (OSA FOA)

SES The Auditor General

SES Deputy Auditor General

SES Director, Audit Policy, Plans and Resources

SES Director, Logistical & Financial Audits

SES Director, Personnel & Force Management Audits

SES Director, Acquisition & Systems Audits

Office of the Under Secretary

SES Deputy Under Secretary of the Army

SES Deputy Under Secretary of the Army (Operations Research)

Office of the General Counsel

SES General Counsel

SES Principal Deputy General Counsel/Chief of Legal Services

Office, Assistant Secretary of the Army (Financial Management)

SES Principal Deputy Assistant Secretary of the Army (Financial Management)

SES* Director, Review & Oversight

SES* Director, Business Management Practices

SES* Director, Independent Resource Analysis

SES* Director, Finance & Accounting

SES Director, Cost Analysis

Office, Assistant Secretary of the Army
(Installations and Logistics)

SES Principal Deputy Assistant Secretary of
the Army (Installations and Logistics)

SES Deputy Assistant Secretary of the
Army (Installations and Housing)

SES Deputy Assistant Secretary of the
Army (Logistics)

SES Deputy for Environment, Safety and
Occupational Health

SES Deputy for Programs and Installation
Assistance

Office, Assistant Secretary of the Army
(Manpower and Reserve Affairs)

SES Principal Deputy ASA (Manpower and
Reserve Affairs) and Deputy ASA (Reserve
Affairs & Mobilization)

SES Deputy Assistant Secretary of the
Army (Military Personnel Management &
Equal Opportunity Policy)

SES Deputy Assistant Secretary of the
Army (Civilian Personnel Policy, NAF &
Personnel Security)

SES Deputy Assistant Secretary of the
Army (Readiness, Force Management &
Training)

Office, Assistant Secretary of the Army (Civil
Works)

SES Principal Deputy Assistant Secretary of
the Army (Civil Works)

SES Deputy for Policy and Evaluation

SES Deputy for Management and Budget

SES Deputy for Policy, Planning &
Legislative Affairs

Office, Assistant Secretary of the Army
(Research, Development and Acquisition)

SES* Competition Advocate of the Army
SES* Chief Scientist, & Director, Research &
Technology

SES Deputy Director for Advanced
Concepts and Technology Assessment

SES Deputy Director for Research (Research
and Laboratory Management)

SES Deputy Assistant Secretary of the
Army (Procurement)

SES Director for Procurement Policy

SES* Director, Systems Management
Integration and Coordination Office

SES Deputy for Plans & Programs

SES Deputy for Program Evaluation

SES Chief, Policy & Procedures Div, USA
Contract Support Agency (Acting
Competition Advocate)

Program Executive Officers—Office of the
Under Secretary of the Army

SES* PEO, Standard Army Management
Information Systems (STAMIS)

SES* PEO, Management Information
Systems (MIS)

SES* Program Executive Officer, Strategic
Information Systems

SES* Program Executive Officer for
Armaments

SES* PEO, Combat Support

SES Program Executive Officer, Troop
Support

SES PEO, Chemical & Nuclear

Military Positions

The Army Staff

0-3 Director, Management

0-8 Director, Program Analysis and
Evaluation

0-7 Assistant Deputy Chief of Staff for
Logistics (Security Assistance)

0-7/SES Competition Advocate

SES Chief, Contracting Policy and
Procedures Division

0-8 Assistant Deputy Chief of Staff for
Personnel

0-8 Assistant Deputy Chief of Staff for
Operations and Plans

0-8 Director of Army Budget

0-8 Chief, Army Reserve

0-7 Deputy Chief, Army Reserve

0-8 Director, Army National Guard

0-7 Deputy Assistant Chief of Staff for
Intelligence

0-8 Chief of Chaplains

0-8 The Judge Advocate General

0-8 The Assistant Judge Advocate General

0-8 The Deputy Surgeon General

0-8 Deputy Chief of Engineers and
Chairman, Board of Engineers for Rivers
and Harbors

Army Staff Field Operating Agencies

Office, Chief of Staff

0-8 Commanding General, U.S. Army
Operational Test and Evaluation Agency,
Falls Church, Virginia

Office, Deputy Chief of Staff for Personnel

0-8 Commanding General, U.S. Total Army
Personnel Command, Alexandria, Virginia

Office of the Surgeon General

0-7/0-8 Commanding General, U.S. Army
Medical Research and Development
Command, Fort Detrick, Maryland

U.S. Army Research Institute for Infectious
Diseases (USAMRIID)

SES Special Advisor for Biotechnology

Miscellaneous Army Staff FOA's

0-7 Joint Program Manager/Director, Joint
Tactical Fusion Project Management
Office, McLean, Virginia

Army Commands

U.S. Army Materiel Command, Alexandria,
Virginia

0-7 Program Executive Officer, Combat
Aviation, Aviation Systems Command, St.
Louis, Missouri

0-7 Program Manager, LHX, Aviation
Systems Command, St. Louis, Missouri

0-8 Commanding General, U.S. Army Tank-
Automotive Command, Warren, Michigan

0-8 Commanding General, U.S. Army
Aviation Systems Command, St. Louis,
Missouri

0-8 Commanding General, U.S. Army Troop
Support Command—St. Louis, Missouri

0-8 Commanding General, U.S. Army
Armament Munitions and Chemical
Command—Rock Island, Illinois

0-7 Commanding General, U.S. Army
Armament Research and Development
Center—Picatinny Arsenal, New Jersey

0-7 Commanding General, U.S.A. Chemical
Research and Development Center—
Picatinny Arsenal, New Jersey

0-8 Commander, U.S. Army Missile
Command—Redstone Arsenal, Alabama

0-8 Commanding General, Laboratory
Command, Adelphi, Maryland, U.S. Army
Materiel Command, Major CONUS
Command

0-7 Program Executive Officer, Forward
Area Air Defense, Missile Command,
Redstone Arsenal, Alabama, U.S. Army
Materiel Command, Major CONUS
Command

0-7 Program Executive Officer, Fire
Support, Missile Command, Redstone
Arsenal, Alabama, U.S. Army Materiel
Command, Major CONUS Command

0-7 Program Executive Officer, Close
Combat Missiles, Missile Command,
Redstone Arsenal, Alabama, U.S. Army
Materiel Command, Major CONUS
Command

0-7 Program Executive Officer, Heavy Force
Mod, Tank-Automotive Command, Warren,
Michigan, U.S. Army Materiel Command,
Major CONUS Command

0-8 Commanding General, Test and
Evaluation Command, Aberdeen Proving
Ground, Maryland, U.S. Army Materiel
Command, Major CONUS Command

0-8 Commanding General, White Sands
Missile Range/Deputy Commanding
General, Test and Evaluation Command,
White Sands, New Mexico, U.S. Army
Materiel Command, Major CONUS
Command

0-8 Commanding General, Communications
Electronics Command, Fort Monmouth,
New Jersey, U.S. Army Materiel Command,
Major CONUS Command

0-7 Program Executive Officer, Army
Command and Control Systems,
Communications-Electronics Command,
Fort Monmouth, New Jersey, U.S. Army
Materiel Command, Major CONUS
Command

0-7 Program Executive Officer,
Communications Systems,
Communications-Electronics Command,
Fort Monmouth, New Jersey, U.S. Army
Materiel Command, Major CONUS
Command

0-8 Commanding General, Depot Systems
Command, Chambersburg, Pennsylvania,
U.S. Army Materiel Command, Major
CONUS Command

0-7 Program Manager, Chemical
Demilitarization, Armament, Munitions,
and Chemical Command, Aberdeen
Proving Ground, Maryland, U.S. Army
Materiel Command, Major CONUS
Command

U.S. Army Health Services Command, Fort
Sam Houston, Texas

0-8 Commanding General

U.S. Army Intelligence and Security
Command, Arlington Hall Station, Virginia

0-7 Program Executive Officer, Intelligence-
Electronic Warfare

U.S. Army Military Traffic Management
Command, Falls Church, Virginia

0-8 Commanding General

AGENCY: DEPARTMENT OF THE NAVY*Positions:***Office of the Under Secretary of the Navy**

SES Deputy Under Secretary of the Navy (Policy)
 SES Deputy Under Secretary of the Navy (Special Review and Analysis)
 SES Director, Naval Industrial Improvement Program
 SES Deputy Assistant Secretary of the Navy (Technology, Transfer and Security Assistance)
 SES Executive Director, President's Foreign Intelligence Advisory Board
 SES Auditor General of the Navy
 SES Special Assistant to the Under Secretary of the Navy

Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs)

SES Deputy Assistant Secretary of the Navy (Reserve Affairs)
 SES Deputy Assistant Secretary of the Navy (Force Support and Families)
 SES Deputy Assistant Secretary of the Navy (Civilian Personnel Policy/Equal Employment Opportunity)
 SES Director, Office of Civilian Personnel Management
 SES Deputy Assistant Secretary of the Navy (Manpower)

Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics)

SES Director of Small and Disadvantaged Business Utilization
 SES Director, Installations and Facilities
 SES Director, Shipbuilding
 SES Director, Aviation and Ordnance Programs
 SES Director, Resources and Policy Evaluation
 SES Director, Contracts and Business Management
 SES Director, Reliability, Maintenance, and Quality Assurance
 SES Specification Control Advocate General
 SES Assistant Director, Contract Pricing
 SES Assistant for Acquisition (Special Programs)
 SES Assistant Deputy Under Secretary of the Navy for Safety and Survivability

Office of the Assistant Secretary of the Navy (Research, Engineering and Systems)

SES DASN (Command, Control, Communications, Intelligence and Space)
 SES Director, Acquisition Management and International Programs
 SES Special Assistant for Software Application
 SES Principal Deputy Assistant Secretary of the Navy (Research, Engineering and Systems)
 SES Director, Surface Warfare
 SES Director, Air Warfare

Office of the General Counsel

SES General Counsel
 SES Principal Deputy General Counsel
 SES Deputy General Counsel (Logistics)

U.S. Marine Corps

SES Fiscal Director of the Marine Corps

SES Special Assistant to the Deputy Chief of Staff for Installations and Logistics
 SES Director, Contracts Division
 0-7/0-8 Commanding General of Marine Corps, Research, Development and Acquisition

Office of Naval Research

SES Director, Acquisition

Chief of Naval Education and Training

0-7/0-8 Vice Chief of Naval Education and Training
 SES Deputy CNET

Military Sealift Command

SES Vice Commander
 0-7/0-8 Deputy Commander

Navy Regional Data Automation Center, Washington

SES Technical Director

Strategic Systems Programs

SES Director, Plans and Program Division

Naval Air Systems Command HQ

SES Executive Director for Contracts Management
 SES Deputy Commander
 SES Technical Director, Cruise Missiles and Unmanned Aerial Vehicles Programs
 SES* Deputy Acquisition Executive
 SES* Program Director, Air for Weapons Programs
 SES* Program Director, Air for EW and Mission Support Programs

Naval Facilities Engineering Command HQ

SES Assistant Commander for Contracts

Naval Sea Systems Command HQ

SES Deputy Chief Engineer for Logistics (CEL)
 SES Assistant Deputy Commander for Contracts
 SES Deputy Commander
 SES Deputy Commander for Acquisition Planning and Appraisal

Space and Naval Warfare Systems Command

SES Deputy Commander
 SES Executive Director, Contracts
 SES Director, Office of Naval Laboratories
 SES Assistant Commander, Research and Development

CNO

0-7/0-8 Director, Combat Logistics Auxiliaries, Amphibious and Mine Warfare Division (OP-37)
 0-8 Assistant Deputy Chief of Naval Operations (Logistics) (OP-04B)
 0-7/0-8 Director, Logistics Plans Division (OP-40)
 0-7/0-8 Director, Material Division (OP-41)(sc)
 0-7/0-8 Director, Ships Maintenance and Modernization (OP-43)
 0-7/0-8 Director, Shore Activities Planning and Programming Division (OP-44)(CEC)

NAVAIRSYSCOM

0-8 Vice Commander (NAIR-09)
 0-8 Acquisition Executive and Deputy Commander for Operations (NAIR-01)
 0-7 Assistant Commander for Contracts (NAIR-02)

0-7* Comptroller
 0-7* Program Director, Air for Tactical Aircraft Programs
 0-7* Program Director, Air for ASW and Assault Programs
 0-8* Commander, Pacific Missile Test Centers
 0-8* Commander, Naval Air Test Center
 0-8 Assistant Commander for Fleet Support and Field Activity Management (NAIR-04)
 0-8 Assistant Commander for Systems and Engineering (NAIR-05)
 0-7 Deputy Assistant Commander for Aviation Depots (NAIR-43)
 0-7* Program Director Air (PDA) for Cruise Missiles and Unmanned Aerial Vehicles Programs

NAVCOMPT

0-7/0-8 Deputy Comptroller of the Navy (NCD)
 0-7/0-8 Director of Budget and Reports/Fiscal Management Reports (NCB)
 0-7/0-8 Assistant Comptroller, Financial Management Systems/Commander, Navy Accounting and Finance Center (NCF)
 0-7/0-8 Director of Information Resources Management (IRM)

Space and Warfare Systems Command

0-8 Commander (00)
 0-8 Vice Commander (09)
 0-8 Director, Space and Sensors Systems Directorate (PD-40)
 0-7/0-8 Director, Warfare Systems, Engineering and Architecture (003)
 0-7/0-8 Assistant Commander, Space and Technology (004)

Designated Project Managers

0-8 Director, Strategic Systems Programs (NSP-00)
 0-7 Director, Technical Division, Strategic Systems Programs, SSP (NSP-20)
 0-7/0-8 Program Manager, ASW Systems Project Office
 0-7 Project Manager, Saudi Naval Expansion Program (PM-5)
 0-7 Project Manager, Theater Nuclear Warfare Project Office (PM-23)

Naval Sea Systems Command

0-7/0-8 Deputy Commander/Comptroller (01)
 0-8 Vice Commander (09)
 0-7/0-8 Deputy Commander for Weapons and Combat Systems (06)
 0-7/0-8 Project Manager, AEGIS Shipbuilding Project (PMS-400)
 0-7/0-8 Deputy Commander for Industrial and Facility Management (07)
 0-7/0-8 Deputy Commander for Submarines (92)
 0-7/0-8 Deputy Commander for Ship Design and Engineering (05)
 0-7 Deputy Commander for Surface Combatants (91)
 0-7 Deputy Commander for Contracts
 0-7 Assistant Deputy Commander for ASW and Undersea Warfare Systems (06U)
 0-7 Assistant Deputy Commander for AAW and Surface Warfare Systems (06A)

Supply Systems Command

0-8 Commander and Chief of Supply Corps (NSUP-00)

- 0-7/0-8 Assistant Commander, Inventory and Systems Integrity (NSUP-00X)
- 0-7/0-8 Vice Commander (NSUP-09)
- 0-7 Deputy Commander, Financial Management/Comptroller (NSUP-01)
- 0-7 Deputy Commander, Fleet Support, Corporate Planning, Logistics and Support (NSUP-03)

Supply Corps Billets

- 0-8 Competition Advocate General of the Navy
- 0-7/0-8 Commander, Navy Resale and Services Support Office/Deputy Commander, NAVSUPSYSCOM Navy Resale and Services Support Programs
- 0-7/0-8 C.O., Navy Aviation Supply Office, Philadelphia
- 0-7/0-8 C.O., Navy Ships Parts Control Center, Mechanicsburg, PA
- 0-7 Commander, Defense Fuel Support Center, Alexandria, VA

CEC Billets

- 0-8 Commander/Chief of Civil Engineers (NFAC-00)
- 0-7/0-8 Vice Commander (NFAC-09)
- 0-7 Deputy Commander for Planning, ADDU to OP-04E
- 0-7/0-8 C.O., Shore Activity, Atlanta Division; ADDU: ACOS, FACENG to CINCLANTFLT, Area Civil Engineer
- 0-7/0-8 C.O., Shore Activity, Pacific Division; ADDU: FLT Civil Engineer CINCPACFLT
- 0-7 C.O., Shore Activity, Northern Division, Philadelphia
- 0-7 C.O., Shore Activity, Western Division, San Bruno, CA

East Coast

- 0-7 Commander, Naval Telecommunications Command
- 0-7/0-8 Commander, Naval Oceanography Command
- 0-7/0-8 Vice Commander, Military Sealift Command
- 0-7 Supervisor for Shipbuilding, Conversion and Repair, Newport News Shipbuilding and Drydock Co., Newport News, VA
- 0-7 Supervisor, Shipbuilding, Conversion and Repair
- 0-7 Deputy Auditor General, Naval Auditor Services Command
- 0-7 Commander, Naval Space Command

MEDCOM

- 0-8 Commander
- 0-7 Deputy Commander, Readiness and Logistics

AGENCY: DEFENSE COMMUNICATIONS AGENCY**Positions:**

- 0-7 Director, Defense Communications System Organization (DCSO)
- 0-7 Commander, White House Communications Agency
- SES Deputy Director, WWMCCS ADP Technical Support, JDSSC
- SES Deputy Director for Resource Management
- SES Director, Center for C3 Systems
- 0-8 Vice Director, Defense Communications Agency
- SES Deputy Manager, National Communications System

- SES General Counsel, DCA
- SES Deputy Director, Military Satellite Communications Systems
- SES Deputy Director, DCSO
- SES Deputy Director, Switched Network Engineering Division, DCEC
- SES Director, Joint Data Systems Support Center (JDSSC)
- SES Assistant Director for Technology Exploitation
- SES Chief Regulatory Counsel—Telecommunications
- SES Deputy Director, Strategic Systems
- SES Assistant Director, C3I Integration
- SES Deputy Director, DSC
- Telecommunication Networks
- SES Director, Defense Communications Engineering Center
- SES Deputy Director, NMCS ADP Directorate
- SES Deputy Director, Command Center Systems
- SES Special Assistant to the Director, C3 Systems, Integrated Digital Architectures
- SES Deputy Director for DCS Integration
- SES Deputy Director, Special Programs Organization
- SES Special Assistant to the Director, C3 Systems—Satellite Communications Systems
- SES Special Assistant to the Director, C4S
- SES Special Assistant to the Director, C3 Systems—NATO and International C3
- SES Deputy WWMCCS System Engineer, EUCOM
- SES Assistant Manager (Plans and Programs), NCS
- SES Associate Director for Technical and Management Support
- SES Chief, Interoperability and Standards Office, DCEC
- SES Associate Director for Engineering Technology and Corporate Planning
- SES Deputy Director for Personnel and Administration
- SES Assistant Director, JTC3A
- SES Assistant Director, Washington Operations, JTC3A
- 0-7 Director, JTC3A
- SES* Deputy Director, Testing, JTC3A
- SES* Deputy Director, Architectures, JTC3A
- SES* Director, Defense Commercial Communications Office and Deputy Director Acquisition Management

AGENCY: DEFENSE CONTRACT AUDIT AGENCY**Positions:**

- SES Director
- SES Deputy Director
- SES General Counsel
- SES Assistant Director, Operations
- SES Assistant Director, Policy and Plans
- SES Assistant Director, Resources
- SES Director, Field Detachment
- SES Regional Director, Eastern Region
- SES Regional Director, Northeastern Region
- SES Regional Director, Central Region
- SES Regional Director, Southwestern Region
- SES Regional Director, Mid-Atlantic Region
- SES Regional Director, Western Region

AGENCY: DEFENSE INTELLIGENCE AGENCY**Positions:****Civilian Positions**

- DISES Executive Director
- DISES GDIP Staff Director
- DISES Staff Director, Intelligence Communications Architecture Project Office
- DISES* Deputy Director for Resources
- DISES* Deputy Director for Information Systems

Military Positions

- 0-8 Deputy Director, Defense Intelligence Agency
- 0-8 Deputy Director for Foreign Intelligence
- 0-8* Deputy Director for Attaches and Operations
- 0-7* Deputy Director for Command Support and Plans

AGENCY: DEFENSE INVESTIGATIVE SERVICE**Positions:**

- SES Director
- SES Deputy Director (Industrial Security)
- SES Deputy Director (Investigations)
- SES* Deputy Director (Resources)

AGENCY: DEFENSE LOGISTICS AGENCY**Positions:****Headquarters**

- 0-8 Deputy Director
- 0-8 Deputy Director (Acquisition Management)
- 0-7 Executive Director, Supply Operations
- 0-7/0-8 Executive Director, Quality Assurance
- SES Comptroller, DLA
- SES General Counsel, DLA
- SES Executive Director, Technical and Logistics Services
- SES Executive Director, Contracting
- SES Deputy Executive Director, Supply Operations
- SES Executive Director, Contract Management
- SES Deputy General Counsel, DLA
- SES Chief, Logistics Programs Division, Directorate of Supply Operations
- SES Chief, Contracts Division, Directorate of Contracting
- SES Assistant Director, Office of Telecommunications and Information Systems
- SES Deputy Executive Director, Quality Assurance
- SES Staff Director, Small and Disadvantaged Business Utilization
- SES Chief, Accounting and Finance Division, Office of Comptroller
- SES Deputy Comptroller, Office of Comptroller
- SES Chief, AIS Development and Control Division, Office of Telecommunications and Information Systems
- SES Staff Director, Office for Contracting Integrity
- SES Chief, Plans, Policies and Systems Division, Directorate of Contract Management

SES Program Manager, DLA Logistics Systems Modernization
 SES* Chief, Supply Management Division
 SES* Executive Director, Stockpile Management

Field Activities

0-8 Commander, Defense Construction Supply Center
 0-7 Commander, Defense Electronics Supply Center
 0-8 Commander, Defense Fuel Supply Center
 0-7 Commander, Defense General Supply Center
 0-7 Commander, Defense Industrial Supply Center
 0-8 Commander, Defense Personnel Support Center
 0-7 Commander, Defense Contract Administration Services Region, Los Angeles
 0-7 Commander, Defense Contract Administration Services Region, New York
 0-7 Commander, Defense Reutilization and Marketing Service
 SES Executive Director, Acquisition Management Planning and Support, Defense Personnel Support Center

AGENCY: DEFENSE MAPPING AGENCY

Positions:

0-8 Director, Defense Mapping Agency
 0-7 Deputy Director, Defense Mapping Agency
 SES Deputy Director, Management and Technology
 0-7 Deputy Director for Plans and Requirements
 SES Deputy Director for Programs, Production and Operations
 SES Deputy Director for Research and Engineering
 SES Comptroller
 SES Director of Personnel
 SES Assistant Deputy Director for Programming
 SES Assistant Deputy Director for Production and Distribution
 SES Assistant Deputy Director for Research and Engineering
 SES Director, Defense Mapping Agency Systems Center
 SES Deputy Director for Systems Development, Defense Mapping Agency Systems Center
 SES Technical Director, Defense Mapping Agency Reston Center
 SES Director, Defense Mapping Agency Telecommunications Services Center/
 Deputy Director for Information Systems
 SES General Counsel
 SES Director of Acquisition
 SES Technical Director, Defense Mapping Agency Aerospace Center
 SES Technical Director, Defense Mapping Agency Hydrographic/Topographic Center
 SES Deputy Director, Programs, Production/Operations, Defense Mapping Agency Hydrographic Topographic Center
 SES Assistant Deputy Director for Plans and Requirements
 SES Deputy Director for Programs Production and Operations, Defense Mapping Agency Aerospace Center

SES Chief, Scientific Data Department, Defense Mapping Agency Aerospace Center
 SES Chief, Scientific Data Department, Defense Mapping Agency Hydrographic/Topographic Center
 SES Technical Director/Deputy Director, Defense Mapping Agency Combat Support Center
 SES Deputy Director for Programs, Production and Operations, Defense Mapping Agency Reston Center
 SES Deputy Director for Program Integration and Operations, Defense Mapping Agency Systems Center
 SES* Chief, Digital Products Department, Defense Mapping Agency Aerospace Center
 SES* Chief, Digital Products Department, Defense Mapping Agency Hydrographic/Topographic Center
 SES* Chief, Digital Products Department, Defense Mapping Agency Reston Center
 SES* Chief, Data Services Department, Defense Mapping Agency Reston Center
 SES* Deputy Director for Transition Management
 SES* Deputy Director for Modernization Development, Defense Mapping Agency Systems Center

AGENCY: DEFENSE NUCLEAR AGENCY

Positions:

SES Deputy Director
 SES Director for Plans, Programs and Requirements
 SES Director for Test
 SES Director for Radiation Sciences
 SES Director for Shock Physics
 SES Director for Acquisition Management
 SES Comptroller
 SES Scientific Director, AFRRRI
 0-8 Director for Operations
 SES Deputy Director for Operations
 0-7 Commander, Field Command

AGENCY: NATIONAL SECURITY AGENCY

Positions:

Civilian Positions

SCES Deputy Director
 SCES Inspector General
 SCES General Counsel

AGENCY: DEPARTMENT OF EDUCATION

Positions:

Office of the Secretary

SES Counselor/Chief of Staff to the Secretary

Deputy Under Secretary for Management

SES Comptroller
 SES Director, Office of Financial Management Service
 SES Director, Grants and Contracts Service
 SES Administrator for Management Services
 SES Director, Management Improvement Service
 SES Director, Personnel Management Service
 SES Director, Administrative Resource Management Service
 SES Director, Information Technology Services

SES Deputy Director, Information Technology Service

Deputy Under Secretary for Planning, Budget and Evaluation

SES Director of Budget Services
 SES Deputy Director of Budget Service
 SES Director, Division of Budget Systems
 SES Director, Division of Elementary, Secondary and Vocational Education Analysis
 SES Director, Division of Postsecondary Education Analysis
 SES Director, Division of Special Education, Rehabilitative Service and Research Analysis
 SES Director of Planning and Evaluation Services
 SES Deputy Director of Planning and Evaluation Service
 SES Director of Public Affairs

Deputy Under Secretary for Intergovernmental and Interagency Affairs

SES Chairperson, Education Appeal Board
 SES Director, Intergovernmental Affairs

Assistant Secretary for Legislation

SES Deputy Assistant Secretary for Legislation

General Counsel

SES Senior Counsel to the General Counsel
 SES Deputy General Counsel for Departmental Services
 SES Assistant General Counsel for Business and Administrative Law
 SES Assistant General Counsel for Educational Equity
 SES Deputy General Counsel for Regulations and Legislation
 SES Assistant General Counsel for Regulations
 SES Deputy General Counsel for Program Service
 SES Assistant General Counsel for Elementary, Secondary, Adult and Vocational Education

Inspector General

SES Assistant Inspector General for Investigation
 SES Assistant Inspector General for Policy, Planning and Management
 SES Assistant Inspector General for Audit
 SES Deputy Assistant Inspector General for Audit Operations
 SES Deputy Assistant Inspector General for Technical Audit Services

Office for Civil Rights

SES Deputy Assistant Secretary for Civil Rights (Operations)
 SES Deputy Assistant Secretary for Civil Rights (Policy)
 SES Director, Policy and Enforcement Service

Office of Bilingual Education and Minority Language Affairs

SES Director Office of Bilingual Education and Minority Languages Affairs

Office of Special Education and Rehabilitative Services

SES Deputy Assistant Secretary

SES Executive Administrator
 SES Director, Office of Special Education Programs
 SES Deputy Commissioner, Rehabilitation Services Administration

Office of Postsecondary Education

SES Deputy Assistant Secretary for Student Financial Assistance
 SES Director, Student Financial Assistance Programs
 SES Deputy Assistant Secretary for Higher Education Programs
 SES Director, Debt Collection and Management Assistance Service

Office of Vocational and Adult Education

SES Deputy Assistant Secretary for Vocational and Adult Education
 SES Director, Division of Adult Education

Office of Elementary and Secondary Education

SES Deputy Assistant Secretary for Programs and Administration
 SES Deputy Assistant Secretary for Regulations, Innovation and Development
 SES Director, Office of State and Local Education Programs
 SES Director, Office of Indian Education Programs
 SES Director, Office of School Improvement Programs

Office of Education Research & Improvement

SES Deputy Assistant Secretary for Educational Research and Improvement
 SES Commissioner, National Center for Education Statistics
 SES Director, Programs for the Improvement of Practice

National Commission on Libraries and Information Science

SES Executive Director

AGENCY: DEPARTMENT OF ENERGY

Positions:

Office of the Secretary

SES Special Assistant to the Secretary
 SES Manager, Albuquerque Operations Office
 SES Deputy Manager, Albuquerque Operations Office
 SES Manager, Chicago Operations Office
 SES Deputy Manager, Chicago Operations Office
 SES Manager, Idaho Operations Office
 SES Deputy Manager, Idaho Operations Office
 SES Manager, Nevada Operations Office
 SES Deputy Manager, Nevada Operations Office
 SES Manager, Oak Ridge Operations Office
 SES Deputy Manager, Oak Ridge Operations Office
 SES Manager, Richland Operations Office
 SES Deputy Manager, Richland Operations Office
 SES Executive Assistant to the Secretary
 SES Manager, Savannah River Operations Office
 SES Manager, San Francisco Operations Office
 SES Deputy Manager, San Francisco Operations Office

SES Deputy Manager, Savannah River Operations Office

Office of the Inspector General

SES Associate Inspector General
 SES Assistant Inspector General for Audits
 SES Assistant Inspector General for Inspections
 SES Assistant Inspector General for Investigations

Office of the General Counsel

SES Deputy General Counsel
 SES Deputy General Counsel for Environment, Conservation and Legislation
 SES Deputy General Counsel for Litigation
 SES Deputy General Counsel for Programs
 SES Deputy General Counsel for Legal Services

Economic Regulatory Administration

SES Chief Counsel

Energy Information Administration

SES Deputy Administrator, Energy Information Administration
 SES Director, Office of Oil and Gas
 SES Director, Office of Energy Markets and End Use
 SES Director, Office of Statistical Standards
 SES Director, Office of Coal, Nuclear, Electric and Alternative Fuels

Assistant Secretary for Conservation and Renewable Energy

SES Principal Deputy Assistant Secretary for Conservation and Renewable Energy
 SES Administrator, Alaska Power Administration
 SES Administrator, Southeastern Power Administration
 SES Administrator, Southwestern Power Administration
 SES Deputy Assistant Secretary for Conservation
 SES Deputy Assistant Secretary for Renewable Energy

Assistant Secretary for Environment, Safety and Health

SES Principal Deputy Assistant Secretary
 SES Director, Office of Environmental Guidance and Compliance, Deputy Assistant Secretary for Environment
 SES Deputy Assistant Secretary for Safety, Health and Quality Assurance
 SES Deputy Assistant Secretary for Environment

Assistant Secretary for Defense Programs

SES Executive Assistant
 SES Principal Deputy Assistant Secretary for Defense Programs
 SES Deputy Assistant Secretary for Security Affairs
 SES Associate Deputy Assistant Secretary for Military Applications
 SES Director, Office of Inertial Fusion
 SES Director, Office of Classification and Technology Policy
 SES Deputy Director, Office of Classification
 SES Deputy Director, Office of Safeguards and Securities
 SES Director, Office of Safeguards and Securities

SES Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production

SES Deputy Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production
 SES Deputy Assistant Secretary for Nuclear Materials

SES Director, Office of Defense Waste and Transportation Management, Deputy Assistant Secretary for Nuclear Materials
 SES Deputy Director, Office of Defense Waste and Transportation Management, Deputy Assistant Secretary for Nuclear Materials

SES Deputy Assistant Secretary for Intelligence

0-8 Deputy Assistant Secretary for Military Applications/Director of Military Applications

Assistant Secretary for International Affairs and Energy Emergencies

SES Principal Deputy Assistant Secretary for International Affairs
 SES Deputy Assistant Secretary for Energy Emergencies
 SES Deputy Assistant Secretary for International Affairs

Office of Energy Research

SES Deputy Director, Office of Energy Research
 SES Associate Director, Office of Health and Environmental Research
 SES Deputy Associate Director, Office of Health and Environmental Research
 SES Associate Director, Office of Fusion Energy
 SES Deputy Associate Director, Office of Fusion Energy
 SES Director, Office of Field Operations Management
 SES Director, Office of Program Analysis
 SES Associate Director, Office of Basic Energy Sciences
 SES Deputy Associate Director for Basic Energy Sciences, Office of Basic Energy Sciences
 SES Associate Director of High Energy and Nuclear Physics

Assistant Secretary for Fossil Energy

SES Principal Deputy Assistant Secretary for Fossil Energy
 SES Deputy Assistant Secretary for Strategic Petroleum Reserve
 SES Deputy Assistant Secretary for Management, Fundamental Research and Cooperative Development
 SES Deputy Assistant Secretary for Oil, Gas, Shale and Special Technologies
 SES Deputy Assistant Secretary for Coal Technology

Assistant Secretary for Nuclear Energy

SES Associate Deputy Assistant Secretary for Reactor Deployment
 SES Principal Deputy Assistant Secretary for Nuclear Energy
 SES Deputy Director for Naval Reactors, Deputy Assistant Secretary for Naval Reactors
 SES Deputy Assistant Secretary for Uranium Enrichment

0-8 Deputy Assistant Secretary for Naval Reactors

Assistant Secretary, Management and Administration

SES Principal Deputy Assistant Secretary for Management and Administration
 SES Director, Office of Equal Opportunity
 SES Deputy Director, Office of Equal Opportunity
 SES Deputy Director, Office of Administrative Services
 SES Deputy Assistant Secretary for Administration
 SES Associate Deputy Assistant Secretary for Administration
 SES Director, Office of Personnel
 SES Director, Office of Organization and Management Systems
 SES Deputy Director, Office of Organization and Management Systems
 SES Deputy Director of Project and Facilities Management
 SES Director, Office of Project and Facilities Management
 SES Director, Office of Administrative Services
 SES Director, Office of ADP Management
 SES Deputy Director, Office of ADP Management
 SES Director, Office of Computer Services and Telecommunications Management
 SES Deputy Director, Office of Computer Services and Telecommunications Management
 SES Director, Office of Industrial Relations
 SES Director, Office of Small and Disadvantaged Business Utilization
 SES Director, Office of Policy
 SES Director, Office of Financial Policy
 SES Director, Office of Departmental Accounting and Financial Systems Development
 SES Director, Office of Review and Analysis
 SES Director, Office of Procurement Operations
 SES Deputy Director, Office of Procurement Operations
 SES Deputy Assistant Secretary for Financial Management and Controller
 SES Associate Deputy Assistant Secretary for Financial Management and Controller
 SES Director, Office of Budget
 SES Deputy Director, Office of Budget
 SES Director, Procurement and Contract Management
 SES Deputy Director, Procurement and Contract Management

Assistant Secretary, Congressional, Intergovernmental and Public Affairs

SES Deputy Assistant Secretary for House Liaison
 SES Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs
 SES Deputy Assistant Secretary for Senate Liaison

Office of Hearings and Appeals

SES Director, Office of Hearings and Appeals

Board of Contract Appeals

GM-18 Chairman, Board of Contract Appeals

Office of Policy, Planning and Analysis

SES Director, Office of Planning and Analysis

Bonneville Power Administration

SES Administrator, Bonneville Power Administration
 SES Assistant Administrator for Engineering and Construction, Bonneville Power Administration
 SES Assistant Administrator for Power Management, Bonneville Power Administration
 SES Deputy Administrator, Bonneville Power Administration
 SES Assistant Administrator for Conservation, Bonneville Power Administration

Western Area Power Administration

SES Administrator, Western Area Power Administration
 SES Deputy Administrator, Western Area Power Administration

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Positions:

Office of the Secretary

Immediate Office of the Secretary

SES Chief of Staff
 SES Executive Assistant to the Secretary
 SES Executive Secretary
 SES Deputy Executive Secretary to the Department (3)
 SES Executive Administrative Assistant
 SES Senior Advisor to the Secretary
 SES Senior Special Assistant to the Secretary
 SES Special Assistant to the Secretary (4)
 SES Senior Executive Assistant to the Chief of Staff
 SES Senior Advisor to the Chief of Staff

Immediate Office of the Under Secretary

SES Counselor to the Under Secretary
 SES Deputy Under Secretary
 SES Director for Intergovernmental Affairs
 SES Regional Director—Region I
 SES Regional Director—Region II
 SES Regional Director—Region III
 SES Regional Director—Region IV
 SES Regional Director—Region V
 SES Regional Director—Region VI
 SES Regional Director—Region VII
 SES Regional Director—Region VIII
 SES Regional Director—Region IX
 SES Regional Director—Region X
 SES Chairman, Departmental Grant Appeals Board

Office of Planning and Evaluation

SES Assistant Secretary for Planning and Evaluation
 SES Deputy Assistant Secretary for Income Security Policy
 SES Deputy Assistant Secretary for Health Policy
 SES Deputy Assistant Secretary for Program Systems
 SES Deputy Assistant Secretary for Social Services Policy

Office of Inspector General

SES Assistant Inspector General for Audit

SES Senior Assistant Inspector General for Auditing and Systems
 SES Assistant Inspector General for Investigations
 SES Deputy Assistant Inspector General Criminal Investigations Division, Office of Investigations
 SES Assistant Inspector General for Analysis and Inspections
 SES Deputy Assistant Inspector General for Health Care Financing Audits
 SES Deputy Assistant Inspector General for Grants, Internal Systems, and EDP Audits
 SES Deputy Assistant Inspector General for Analysis and Inspections
 SES Deputy Assistant Inspector General for Social Security Audits
 SES Deputy Assistant Inspector General for Audit, Management, Operations and Evaluation
 SES Deputy Assistant Inspector General, Civil Fraud Division, Office of Investigations
 SES Deputy Assistant Inspector General, Headquarters Operations Division, Office of Investigations
 SES* Deputy Assistant Inspector General for Audit, Public Health Service Audits Division

Office of Management and Budget

SES Assistant Secretary for Management and Budget
 SES Principal Deputy Assistant Secretary for Management and Budget
 SES Deputy Assistant Secretary, Budget
 SES Deputy Assistant Secretary, Finance
 SES Deputy Assistant Secretary for Information Resources Management
 SES Director, Division of Health Benefits and Income Security Budget Analysis, Office of Budget, Office of Management and Budget
 SES Director, Division of Public Health and Social Services Budget Analysis, Office of Budget, Office of Management and Budget
 SES Director, Office of Grant and Contract Financial Management, Office of Finance, Office of Management and Budget
 SES Director, Office of Financial Policy, Office of Finance, Office of Management and Budget
 SES* Deputy Assistant Secretary for Management and Acquisition, Office of Management and Budget
 SES* Director, Office of Acquisition and Grants Management, Office of Management and Acquisition, Office of Management and Budget
 SES* Director, Division of OS Budget Analysis, Office of Budget, Office of Management and Budget
 SES* Director, Office of Management and Operations, Office of Management and Acquisition, Office of Management and Budget
 SES* Director, Management Programs, Office of Budget, Office of Management and Budget
 SES* Director, Program Coordination Staff, Office of Finance, Office of Management and Budget
 SES* Director, Division of Budget Policy and Management, Office of Budget, Office of Management and Budget

Legislation

SES Principal Deputy Assistant Secretary for Legislation
 SES Deputy Assistant Secretary for Legislation (Health)
 SES Deputy Assistant Secretary for Legislation (Human Services)
 SES Deputy Assistant Secretary for Legislation (Congressional Liaison)

Office for Civil Rights

SES Special Assistant to the Secretary for Civil Rights, Director, Office for Civil Rights
 SES Deputy Director, Office for Civil Rights
 SES Associate Deputy Director for Program Operations, Office for Civil Rights
 SES Associate Deputy Director for Management, Planning and Evaluation, Office for Civil Rights

Office for Personnel Administration

SES Assistant Secretary for Personnel Administration
 SES Deputy Assistant Secretary, Personnel Administration

Office of Public Affairs

SES Deputy Assistant Secretary for Public Affairs
 SES Deputy Assistant Secretary for News
 SES Director, News Division

Office of the General Counsel

SES Principal Deputy General Counsel
 SES Deputy General Counsel
 SES Deputy General Counsel, Legal Counsel
 SES Associate General Counsel, Legislation Division
 SES Associate General Counsel, Public Health Division
 SES Associate General Counsel, Social Security
 SES Associate General Counsel, Food and Drug Administration
 SES Associate General Counsel, Health Care Financing
 SES Associate General Counsel, Civil Rights Division
 SES Associate General Counsel, Business and Administrative Law Division
 SES Associate General Counsel, Inspector General Division
 SES Associate General Counsel, Family Support and Human Development Division
 SES Chief Counsels, Regions I-X

Office of Consumer Affairs

SES Deputy Director, Office of Consumer Affairs
 SES Director, Office of Consumer Affairs

Office of Human Development Services

SES Deputy Assistant Secretary, Human Development Services
 SES Director, Office of Management Services
 SES Director, Office of Regional Operations
 SES Commissioner, Administration for Native Americans
 SES Commissioner, Administration on Development Disabilities
 SES* Deputy Commissioner, Administration on Developmental Disabilities
 GS-18 Commissioner, Administration for Children, Youth and Families

SES Deputy Commissioner, Administration for Children, Youth and Families
 SES Associate Commissioner, Administration for Children, Youth and Families
 SES Deputy Commissioner, Administration on Aging
 SES Associate Commissioner, Office of State and Tribal Programs, Administration on Aging
 SES Associate Commissioner, Office of Programs Operations, Administration on Aging

Health Care Financing Administration

SES Deputy Administrator, Health Care Financing Administration
 SES Executive Associate Administrator
 SES Director, Bureau of Program Operations
 SES Deputy Director, Bureau of Program Operations
 SES Director, Office of Prepaid Health Care
 SES Deputy Director, Office of Prepaid Health Care
 SES Director, Health Standards and Quality Bureau
 SES Director, Office of Budget and Administration
 SES Director, Office of Research and Demonstrations
 SES Associate Administrator for Management
 SES Associate Administrator for Program Development
 SES Associate Administrator for Communications
 SES Director, Office of Executive Operations
 SES Deputy Director, Office of Executive Operations
 SES Regional Administrator, Region I
 SES Regional Administrator, Region II
 SES Regional Administrator, Region III
 SES Regional Administrator, Region IV
 SES Regional Administrator, Region V
 SES Regional Administrator, Region VI
 SES Regional Administrator, Region VII
 SES Regional Administrator, Region VIII
 SES Regional Administrator, Region IX
 SES Regional Administrator, Region X
 SES Director, Bureau of Eligibility Reimbursement and Coverage
 SES Deputy Director, Bureau of Eligibility Reimbursement and Coverage
 SES Director, Bureau of Quality Control
 SES Director, Office of Legislation and Policy
 SES Director, Bureau of Data Management and Strategy
 SES Deputy Director, Bureau of Data Management and Strategy
 SES Chief Actuary, Office of the Actuary

Public Health Service

Office of the Assistant Secretary for Health
 SES* Deputy Assistant Secretary for Health
 SES Deputy Assistant Secretary, Health Operations
 SES Deputy Assistant Secretary, Planning and Evaluation
 SES Deputy Assistant Secretary, Population Affairs
 SES/0-7/0-8 Regional Health Administrators—Regions I-X
 SES Executive Director, President's Council on Physical Fitness and Sports

SES Director, National Center for Health Services Research and Health Care Technology Assessments
 0-8 Deputy Surgeon General, Public Health Service
 0-7 Deputy Director, Office of International Health
 0-8 Senior Advisor for Environmental Affairs
 0-7 Deputy Assistant Secretary for Health for Disease Prevention and Health Promotion
 SES Deputy Assistant Secretary for Health (Communications)
 SES Director, National AIDS Program Office
 SES Vaccine Coordinator, National Vaccine Program Office
 SES Director, News Division

Center for Disease Control

0-8 Director, Centers for Disease Control
 SES Deputy Director, Centers for Disease Control
 SES Assistant Director for International Health
 SES Director, Office of Program Support, Centers for Disease Control
 0-7 Program Manager, Expanded Program on Immunization, World Health Organization, International Health Program Office
 SES Director, Division of Environmental Health Laboratory Science and Injury Control, Center for Environmental Health
 SES Director, Center for Infectious Diseases
 SES Assistant Director for Management, Center for Disease Control
 SES Assistant Director for Laboratory Science, Center for Infectious Diseases
 SES Director, Chronic Disease Prevention and Health Promotion
 0-8 Director, National Institute for Occupational Safety and Health
 SES Associate Administrator, Agency for Toxic Substances and Disease Registry
 SES Deputy Director, Center for Prevention Services
 SES Director, Division of Viral Diseases
 0-7 Assistant Director, Washington Office
 SES Deputy Director, National Institute for Occupational Safety and Health
 0-7* Director, Center for Environmental Health and Injury Control
 0-7* Director, Center for Prevention Services
 0-7* Deputy Director, AIDS
 SES* Assistant Director for Public Health Practice
 SES* Deputy Director, Center for Environmental Health and Injury Control
 SES* Director, Office of Program Planning and Evaluation
 SES Director, National Center for Health Statistics
 SES Deputy Director, National Center for Health Statistics
Health Resources and Services Administration
 0-8 Administrator, Health Resources and Services Administration
 SES Deputy Administrator
 0-8 Director, Bureau of Health Care Delivery and Assistance
 SES Deputy Director, Bureau of Health Care Delivery and Assistance

0-7 Director, Bureau of Health Professions
 SES Deputy Director, Bureau of Health Professions
 0-8 Director, Bureau of Maternal and Child Health and Resources Development, Health Resources and Services Administration

Indian Health Service

0-8 Director, Indian Health Service
 SES Deputy Director, Indian Health Service
 0-7* Director of Headquarters Operations
 SES* Director, Aberdeen Area Indian Health Service
 SES Director, Alaska Area Indian Health Service
 0-7* Director, Albuquerque Area Indian Health Service
 SES Director, Bemidji Area Indian Health Service
 SES* Director, Billings Area Indian Health Service
 SES Director, California Area Indian Health Service
 0-7* Director, Nashville Area Indian Health Service
 SES Director, Navajo Area Indian Health Service
 SES* Director, Oklahoma Area Indian Health Service
 SES Director, Phoenix Area Indian Health Service
 SES* Director, Portland Area Indian Health Service
 SES* Director, Tucson Area Indian Health Service
 0-7* Chief Pharmacy Officer, Indian Health Service
 0-7* Associate Director, Office of Environmental Health and Engineering, Indian Health Service
 SES* Associate Director for Administration and Management, Indian Health Service
 SES* Associate Director for Planning, Evaluation and Legislation, Indian Health Service
 SES* Associate Director for Tribal Activities, Indian Health Service
 0-7* Associate Director, Office of Health Programs, Indian Health Service

Alcohol, Drug Abuse, and Mental Health Administration

SES Deputy Administrator, Alcohol, Drug Abuse, and Mental Health Administration
 SES Director, National Institute on Alcohol Abuse and Alcoholism
 SES Deputy Director, National Institute on Alcohol Abuse and Alcoholism
 SES Director, National Institute of Mental Health
 SES Deputy Director, National Institute of Mental Health
 SES Director, National Institute on Drug Abuse
 SES Deputy Director, National Institute on Drug Abuse

National Institutes of Health

0-8 Director, National Institutes of Health
 SES Deputy Director, National Institutes of Health
 SES Deputy Director for Intramural Research
 SES Deputy Director for Extramural Research and Training
 SES Associate Director for Program Planning and Evaluation

SES Associate Director for Administration
 SES Associate Director for Communications
 SES Associate Director for Research Services
 SES Associate Director for Clinical Care, National Institutes of Health and Director of Clinical Center
 SES Associate Director for Intramural Affairs
 SES Associate Director for Extramural Affairs
 SES Director, Fogarty International Center
 SES Director, Division of Computer Research and Technology
 0-7 Director, Division of Research Grants
 SES Deputy Director, Division of Research Grants
 0-8 Director, National Cancer Institute
 SES Deputy Director, National Cancer Institute
 SES Director, National Center for Nursing Research
 SES Director, Division of Research Resources
 SES Deputy Director, Division of Research Resources
 0-7 Director, Division of Research Services
 SES Director, National Eye Institute
 SES Deputy Director, National Eye Institute
 SES Director, National Heart, Lung, and Blood Institute
 0-7 Deputy Director, National Heart, Lung, and Blood Institute
 0-8 Director, National Institute of Allergy and Infectious Diseases
 SES Deputy Director, National Institute of Allergy and Infectious Diseases
 SES Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases
 0-7 Director, National Institute on Aging
 SES Deputy Director, National Institute on Aging
 SES Director, National Institute of Child Health and Human Development
 SES Deputy Director, National Institute of Child Health and Human Development
 SES* Director, National Institute on Deafness and Other Communication Disorders
 SES Director, National Institute of Dental Research
 0-7 Deputy Director, National Institute of Dental Research
 0-8 Director, National Institute of Environmental Health Sciences
 SES Deputy Director, National Institute of Environmental Health Sciences
 SES Director, National Institute of General Medical Sciences
 SES* Deputy Director, National Institute of General Medical Sciences
 SES Director, National Institute of Diabetes and Digestive and Kidney Diseases
 0-7 Deputy Director, National Institute of Diabetes and Digestive and Kidney Diseases
 0-8 Director, National Institute of Neurological Disorders and Stroke
 SES Deputy Director, National Institute of Neurological Disorders and Stroke
 SES Director, National Library of Medicine
 SES Deputy Director, National Library of Medicine

Food and Drug Administration

0-8 Commissioner of Food and Drugs

SES Deputy Commissioner of Food and Drugs
 SES Associate Commissioner for Consumer Affairs
 SES Associate Commissioner for Health Affairs
 SES Associate Commissioner for Planning and Evaluation
 SES Associate Commissioner for Science
 SES Director, Parklawn Computer Center
 0-7 Director, Orphan Products Development
 SES Associate Commissioner for Public Affairs
 SES Special Assistant to the Commissioner for Program Policy
 SES Associate Commissioner for Legislative Affairs
 SES Associate Commissioner for Management and Operations
 SES Director of Executive Operations
 SES* Health Affairs Advisor

Center for Food Safety and Applied Nutrition

SES Director, Center for Food Safety and Applied Nutrition
 SES Deputy Director, Center for Food Safety and Applied Nutrition
 SES Associate Director, Office of Toxicological Sciences
 SES Associate Director for Laboratory Investigations
 SES Director, Division of Chemistry and Physics
 SES Director, Division of Microbiology
 SES Director, Office of Compliance
 SES Director, Office of Physical Sciences
 SES Deputy Director, Office of Physical Sciences
 SES Director, Division of Food Technology
 SES Director of Mathematics
 SES Director, Division of Food and Color Additives
 SES Director, Division of Chemical Technology
 SES Director, Office of Nutrition and Food Sciences
 SES Director, Division of Regulatory Guidance
 SES Director, Office of Management
 SES Deputy Director, Office of Nutrition and Food Sciences
 SES Director, Division of Nutrition

Center for Drug Evaluation and Research

0-8 Director, Center for Drug Evaluation and Research
 SES Deputy Director, Center for Drug Evaluation and Research
 SES Director, Office of Compliance
 SES Deputy Director for Program Management
 SES Director, Division of Oncology and Radiopharmaceutical Drug Products
 SES Director, Division of Scientific Investigations Staff
 SES Director, Division of Anti-Infective Drug Products
 SES Deputy Director for Medical Activities
 SES Director, Division of Metabolism and Endocrine Drug Products
 SES Director, Division of Surgical-Dental Drug Products
 SES Director, Division of OTC Drug Evaluation
 SES Director, Office of Drug Standards

SES Deputy Director, Office of Drug Standards

SES Director, Division of Neuropharmacological Drug Products

SES Director, Office of Epidemiology and Biostatistics

SES Deputy Director, Division of Epidemiology and Biostatistics

SES Director, Division of Biometrics

SES Director, Division of Epidemiology and Surveillance

SES Director, Office of Drug/Evaluation I

SES Director, Division of Generic Drugs

SES Director, Division of Biopharmaceutics

SES Director, Division of Gastrointestinal and Coagulation Drug Products

SES* Director, Division of Cardio-Renal Drug Products

SES* Director, Office of Drug/Evaluation II

SES* Director, Division of Anti-Viral Drug Products

SES* Director, Office of Research

SES* Deputy Director, Office of Research

Center for Biologics Evaluation and Research

SES Director, Center for Biologics Evaluation and Research

SES* Deputy Director, Center for Biologics Evaluation and Research

SES Deputy Director for Program Management

SES Director, Office of Management

SES Director, Division of Biochemistry and Biophysics

SES Director, Division of Product Quality Control

SES Director, Division of Blood and Blood Products

SES Director, Division of Bacterial Products

SES* Director, Office of Biologics Research

Center for Veterinary Medicine

SES Director, Center for Veterinary Medicine

SES Deputy Director, Center for Veterinary Medicine

SES Director, Office of New Animal Drug Evaluation

SES Associate Director for Surveillance and Compliance

SES Director, Office of Science

SES Director, Division of Biometrics and Production Drugs

SES Director, Division of Therapeutic Drugs for Food Animals

Center for Devices and Radiological Health

SES Director, Office of Device Evaluation

SES Associate Director, Office of Regulations

SES Director, Office of Compliance

SES Deputy Director, Office of Compliance

0-8 Director, Center for Devices and Radiological Health

SES Director, Office of Science and Technology

SES Deputy Director, Center for Devices and Radiological Health

SES Deputy Director, Office of Science and Technology

SES Deputy Director, Office of Device Evaluation

National Center for Toxicological Research

SES Director, National Center for Toxicological Research

SES Director, Division of Biometry

SES Associate Director for Research

SES Deputy Director, National Center for Toxicological Research

Office of Regulatory Affairs

SES Associate Commissioner for Regulatory Affairs

SES Deputy Associate Commissioner for Regulatory Affairs (Enforcement)

SES Deputy Associate Commissioner for Regulatory Affairs (Regional Operations)

SES Deputy Director, Office of Regional Operations

SES Deputy Director, Office of Enforcement

SES Director, Office of Regulatory Resource Management

SES Regional Food and Drug Director (Northeast Region)

SES Regional Food and Drug Director (Mid-Atlantic Region)

SES Regional Food and Drug Director (Southeast Region)

SES Regional Food and Drug Director (Midwest Region)

SES Regional Food and Drug Director (Southwest Region)

SES Regional Food and Drug Director (Pacific Region)

0-7 Regional Medical Officer, Region X

Social Security Administration

SES Senior Executive Officer

SES Chief Financial Officer

SES Associate Commissioner, Program and Integrity Reviews

SES Deputy Associate Commissioner, Program and Integrity Reviews

SES Associate Commissioner, Financial Policy and Operations

SES Deputy Associate Commissioner, Financial Policy and Operations

SES Director, Information Technology Systems Review Staff

SES Deputy Commissioner for Management

SES Assistant Deputy Commissioner for Management

SES Associate Commissioner for Human Resources, Training and Management Analysis

SES* Deputy Associate Commissioner for Human Resources, Training and Management Analysis

SES Associate Commissioner for Material and Information Resources

SES Deputy Commissioner for Policy and External Affairs

SES Associate Commissioner, Policy

SES Associate Commissioner, Governmental Affairs

SES Deputy Commissioner, Programs

SES Associate Commissioner, Hearings and Appeals

SES Deputy Associate Commissioner, Hearings and Appeals

SES Associate Commissioner, Disability

SES Deputy Associate Commissioner, Disability

SES Associate Commissioner, Supplemental Security Income

SES Deputy Associate Commissioner, Supplemental Security Income

SES Associate Commissioner, Retirement and Survivors Insurance

SES Deputy Associate Commissioner, Retirement and Survivors Insurance

SES Chief Actuary

SES Deputy Commissioner, Operations

SES* Associate Deputy Commissioner for Central Processing

SES* Associate Deputy Commissioner for Systems Support

SES* Associate Deputy Commissioner for Regional Operations

SES* Associate Commissioner for Legislation and Congressional Affairs

SES* Director, Office of Executive Operations

SES* Director, Office of Information Management

SES Regional Commissioner, Boston—Region I

SES Regional Commissioner, New York—Region II

SES Regional Commissioner, Philadelphia—Region III

SES Regional Commissioner, Atlanta—Region IV

SES Regional Commissioner, Chicago—Region V

SES Regional Commissioner, Dallas—Region VI

SES Regional Commissioner, Kansas City—Region VII

SES Regional Commissioner, Denver—Region VIII

SES Regional Commissioner, San Francisco—Region IX

SES Regional Commissioner, Seattle—Region X

SES Director, Office of System Support and Planning

SES Associate Commissioner, System Operations

SES Deputy Associate Commissioner, System Operations

SES Associate Commissioner, System Integration

SES Deputy Associate Commissioner, System Design and Development

SES Associate Commissioner, System Requirements

Family Support Administration

SES Assistant Secretary for Family Support

SES Deputy Administrator, Family Support Administration

SES Associate Administrator for Financial Management

SES Associate Administrator for Management and Information Systems

SES Director, Office of Family Assistance

SES Director, Office of Refugee Resettlement

SES Deputy Director, Office of Child Support Enforcement

SES Associate Deputy Director, Office of Child Support Enforcement

SES Director, Office of Community Services

SES Director, Office of State and Project Assistance, Office of Community Services

SES* Associate Administrator, Office of Planning and Policy Development

SES* Associate Administrator, Office of Program Evaluation

AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*Positions:***Office of the Secretary**

SES Deputy Under Secretary for Intergovernmental Relations
 SES Executive Assistant to the Secretary
 SES Exec. Assistant to the Under Secretary
 SES Deputy Under Sec. for Field Coordination
 SES Assistant to the Secretary for International Affairs
 SES Assistant to the Secretary for Labor Relations
 SES* Senior Advisor to the Secretary, Office of the Secretary

Office of the General Counsel

SES Deputy General Counsel
 SES Deputy General Counsel (Operations)
 SES* Associate General Counsel for Programs Enforcement, Office of the General Counsel
 SES* Associate General Counsel for Litigation, Office of the General Counsel
 SES* Associate General Counsel for Assisted Housing and Community Development, Office of the General Counsel
 SES* Associate General Counsel for Legislation and Regulations, Office of the General Counsel
 SES* Associate General Counsel for Equal Opportunity and Administrative Law, Office of the General Counsel
 SES Associate General Counsel for Insured Housing and Finance, Office of the General Counsel

Office of the Assistant Secretary for Public Affairs

SES General Deputy Assistant Secretary for Public Affairs
 SES Deputy Assistant Secretary for Public Affairs
 SES Special Assistant to the Secretary for Public Affairs (Director of Public Affairs)

Office of the Assistant Secretary for Legislation and Congressional Relations

SES Deputy Assistant Secretary for Legislation
 SES Deputy Assistant Secretary for Congressional Relations

Office of the Assistant Secretary for Housing

SES Deputy Assistant Secretary for Multifamily Housing Programs
 SES Deputy Assistant Secretary for Single-Family Housing
 SES Deputy Assistant Secretary for Policy and Financial Management, and Administration
 SES General Deputy Assistant Secretary for Housing/Deputy Federal Housing Commissioner
 SES* Senior Program Advisor, Office of the Assistant Secretary for Housing
 SES* Director, Office of Insured Multifamily Housing Development, Office of the Assistant Secretary for Housing
 SES* Director, Office of Multifamily Housing Management, Office of the Assistant Secretary for Housing

SES Director, Office of Insured Single Family Housing, Office of the Assistant Secretary for Housing

SES* Director, Office of Management, Office of the Assistant Secretary for Housing

SES* Director, Office of Elderly and Assisted Housing, Office of the Assistant Secretary for Housing

SES* Director, Office of Financial Management, Office of the Assistant Secretary for Housing

SES* Director, Existing Housing Division, Office of the Assistant Secretary for Housing

SES* Director, Transitional Housing Development Staff Office of the Assistant Secretary for Housing

Office of the Assistant Secretary for Public and Indian Housing

SES General Deputy Assistant Secretary for Public and Indian Housing
 SES* Director, Office of Public Housing, Office of the Assistant Secretary for Public and Indian Housing
 SES* Director, Office of Indian Housing, Office of the Assistant Secretary for Public and Indian Housing

Office of the Assistant Secretary for Community Planning and Development

SES Deputy Assistant Secretary for Program Policy Development and Evaluation
 SES General Deputy Assistant Secretary for Community Planning and Development
 SES Deputy Assistant Secretary for Program Management
 SES Deputy Assistant Secretary for Program Development
 SES* Director Office of Field Operations and Monitoring, Office of the Assistant Secretary for Community Planning and Development
 SES* Director, Office of Program Policy Development, Office of the Assistant Secretary for Community Planning and Development
 SES* Deputy Director, Office of Program Policy Development, Office of the Assistant Secretary for Community Planning and Development
 SES* Director, Office of Block Grant Assistance, Office of the Assistant Secretary for Community Planning and Development
 SES* Deputy Director, Office of Block Grant Assistance, Office of the Assistant Secretary for Community Planning and Development
 SES* Director, Office of Environment and Energy, Office of the Assistant Secretary for Community Planning and Development
 SES* Director, Office of Urban Rehabilitation, Office of the Assistant Secretary for Community Planning and Development
 SES* Executive Assistant for Economic Development/Public-Private Partnership, Office of the Assistant Secretary for Community Planning and Development

Office of the Assistant Secretary for Policy Development and Research

SES Deputy Assistant Secretary for Policy Development

SES Deputy Assistant Secretary for Economic Affairs

SES Deputy Assistant Secretary for Research

SES General Deputy Assistant Secretary for Policy Development and Research

SES Associate Deputy Assistant Secretary for Economic Affairs

SES* Senior Advisor for Policy Development, Office of the Assistant Secretary for Policy Development and Research

SES* Director, Policy Development Division, Office of the Assistant Secretary for Policy Development and Research

SES* Senior Advisor for Research Management, Office of the Assistant Secretary for Policy Development and Research

Office of the Assistant Secretary for Administration

SES Deputy Assistant Secretary for Administration
 SES* Director, Office of Finance and Accounting, Office of the Assistant Secretary for Administration
 SES* Director, Office of Personnel and Training, Office of the Assistant Secretary for Administration
 SES* Director, Office of Budget, Office of the Assistant Secretary for Administration
 SES* Director, Office of Procurement and Contracts, Office of the Assistant Secretary for Administration
 SES* Director, Mortgage Insurance Accounting and Servicing Group, Office of the Assistant Secretary for Administration
 SES* Director, Office of Administrative and Management Services, Office of the Assistant Secretary for Administration
 SES* Director, Office of Information Policies and Systems, Office of the Assistant Secretary for Administration
 SES* Director, General and Program Accounting Group, Office of the Assistant Secretary for Administration
 SES* Director, Office of Productivity and Management Improvements, Office of the Assistant Secretary for Administration

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

SES Deputy Assistant Secretary for Operations and Management
 SES General Deputy Assistant Secretary for Fair Housing and Equal Opportunity
 SES Deputy Assistant Secretary for Enforcement and Compliance
 SES* Director, Office of HUD Program Compliance, Office of the Assistant Secretary for Fair Housing and Equal Opportunity
 SES* Director, Office of Management and Field Coordination, Office of the Assistant Secretary for Fair Housing and Equal Opportunity
 SES* Director, Office of Fair Housing Enforcement and Section 3 Compliance, Office of the Assistant Secretary for Fair Housing and Equal Opportunity
 SES* Director, Office of Program Standards and Evaluation, Office of the Assistant Secretary for Fair Housing and Equal Opportunity

GS-17* Special Assistant to the General Deputy Assistant Secretary for Fair Housing and Equal Opportunity, Office of the Assistant Secretary for Fair Housing and Equal Opportunity

Government National Mortgage Association

SES Vice President (Asset Management)
SES Vice President (Mortgage Backed Securities)
SES Executive Vice President

Office of the Inspector General

SES Deputy Inspector General
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Audit
SES Assistant Inspector General for Fraud Control and Management Operations
SES* Deputy Assistant Inspector General for Audit Operations, Office of the Inspector General
SES* Deputy Assistant Inspector General for Audit Planning and Quality Assurance, Office of the Inspector General

HUD Board of Contract Appeals

GS-18 Chairperson of the Board of Contract Appeals, Department of Housing and Urban Development, Board of Contract Appeals
GS-17 Vice Chairperson of the Board of Contract Appeals, Department of Housing and Urban Development, Board of Contract Appeals

Field Offices

Region I

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

Region II

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Area Manager, Newark Area Office

Region III

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Pittsburgh Office

Region IV

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Jacksonville Office

Region V

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Detroit Office
SES Manager, Columbus Office
SES Manager, Minneapolis/St. Paul Office
SES Manager, Indianapolis Office

Region VI

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, New Orleans Office
SES Manager, Oklahoma City Office

Region VII

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

Region VIII

SES Regional Administrator—Regional Housing Commissioner

Region IX

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator
SES Manager, Los Angeles Office

Region X

SES Regional Administrator—Regional Housing Commissioner
SES Deputy Regional Administrator

AGENCY: DEPARTMENT OF THE INTERIOR

Positions:

Office of the Secretary

SES Executive Assistant to the Secretary
SES* Special Assistant for Policy Programs (Chief of Staff)
SES Assistant to the Secretary and Director, External Affairs
SES* Counselor to the Secretary
SES* Principal Deputy Under Secretary
SES Deputy Under Secretary
SES* Deputy Under Secretary for Alaska
SES Assistant to the Secretary and Director of Public Affairs
SES Assistant to the Secretary and Director, Office of Congressional Affairs
SES Deputy Director, Congressional and Legislative Affairs
SES Deputy Director, House
SES Legislative Counsel
SES Director, Office of Small and Disadvantaged Business Util
SES Director, Office of Hist Black Colleges and Univ Pro and Job Corp
SES Special Assistant to the Secretary
SES* Special Assistant to the Secretary for Administration
SES Director, Office of Equal Opportunity
SES* Executive Director, OCS Leasing & Development Task Force
AD Commissioner, Delaware River Basin
AD Commissioner, Susquehanna River Basin Commission
AD Federal Co-Chairman, Alaska Land Use Council

Office of Inspector General

SES Deputy Inspector General
SES Assistant Inspector General (Audit)
SES Assistant Inspector General (Investigations)

Office of Hearings and Appeals

SES Director
GS-18 Chairman, Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

Office of the Solicitor

SES Deputy Solicitor
SES Associate Solicitor (Conservation and Wildlife)
SES Associate Solicitor (Energy and Resources)

SES Associate Solicitor (Surface Mining)
SES Associate Solicitor (General Law)
SES Associate Solicitor (Indian Affairs)
SES Deputy Associate Solicitor (Surface Mining)
SES Associate Solicitor (Audit and Investigations)
SES Deputy Associate Solicitor (General Law)
SES Regional Solicitor (Sacramento)
SES Regional Solicitor (Portland)
SES Regional Solicitor (Anchorage)
SES Regional Solicitor (Denver)
SES Regional Solicitor (Boston)
SES Regional Solicitor (Tulsa)
SES Regional Solicitor (Atlanta)
SES Regional Solicitor (Salt Lake City)

Office of Territorial and International Affairs

SES Deputy Assistant Secretary

Office of the Assistant Secretary for Fish and Wildlife and Parks

SES Deputy Assistant Secretaries (2)
SES* Special Assistants (2)
SES Staff Assistant

National Park Service

SES Director
SES Assistant Director, Legislative and Congressional Affairs
SES Deputy Director
SES* Associate Director, Management System
SES Associate Director, National Resources
SES Associate Director, Operations
SES Associate Director, Planning and Development
SES Associate Director, Cultural Resources
SES Associate Director, Budget and Administration
SES Director, National Capital Region
SES Regional Director (Seattle)
SES Regional Director (Atlanta)
SES Regional Director (Philadelphia)
SES Regional Director (Omaha)
SES Regional Director (Boston)
SES Regional Director (Santa Fe)
SES Regional Director (San Francisco)
SES* Regional Director (Alaska)
SES Regional Director (Denver)

U.S. Fish and Wildlife Service

SES Deputy Director, Line
SES* Deputy Director, Staff
SES Assistant Director, External Affairs
SES Assistant Director, Fish and Wildlife Enhancement
SES Regional Director, Region 8 (Research and Development)
SES Assistant Director, Fisheries
SES Assistant Director, Policy, Budget and Administration
SES Assistant Director, Refuges and Wildlife
SES Deputy Regional Director, Region 8
SES Special Assistants to the Director (2)
SES* Director, Fort Collins Research
SES Regional Director, Portland
SES Regional Director, Twin Cities
SES Regional Director, Atlanta
SES Regional Director, Boston
SES Regional Director, Anchorage
SES Regional Director, Denver
SES Regional Director, Albuquerque
SES Research Director, Patuxent

Office of the Assistant Secretary for Water and Science

SES Deputy Assistant Secretary
 SES Deputy Assistant Secretary for Science
 SES Staff Assistant to the Assistant Secretary
 SES Irrigation Drainage Coordinator

Bureau of Reclamation

SES Assistant Commissioner, Administration
 SES Deputy Commissioner
 SES Assistant Commissioner, Engineering and Research
 SES Director, Administrative Services Center
 SES Assistant Commissioner, Resources Management
 SES Regional Director, Lower Colorado (Boulder City)
 SES Regional Director, Mid-Pacific (Sacramento)
 SES Regional Director, Pacific Northwest (Boise)
 SES Regional Director, Great Plains Region (Billings)
 SES Regional Director, Upper Colorado (Salt Lake City)

Bureau of Mines

SES Deputy Director
 SES Special Assistant to the Director
 SES Chief Staff Officer
 SES Associate Director, Research
 SES Associate Director, Information and Analysis
 SES Associate Director, Finance and Management

U.S. Geological Survey

SES Associate Director
 SES Assistant Director, Research
 SES Assistant Director, Engineering Geology
 SES Assistant Director for Administration
 SES Assistant Director for Information Systems
 SES Assistant Director for Programs
 SES Assistant Director, Intergovernmental Affairs
 SES* Chief Hydrologist
 SES* Chief Geologist

Office of the Assistant Secretary for Land and Minerals Management

SES Deputy Assistant Secretaries (2)

Minerals Management Service

SES Director
 SES Deputy Director
 SES Associate Director for Offshore Minerals
 SES Assistant Director for Administration
 SES Assistant Director for Program Review
 SES Associate Director for Royalty Management
 SES Regional Director, Gulf of Mexico OCS Region
 SES Regional Director, Pacific OCS Region
 SES Regional Director, Atlantic OCS Region
 SES Regional Director, Alaska OCS Region

Bureau of Land Management

SES* Special Assistant to the Director
 SES Assistant to the Director and Director, Office of External Affairs
 SES Assistant Director, Support Services

SES Deputy Director
 SES Assistant Director, Energy and Mineral Resources
 SES Assistant Director, Lands and Renewable Resources
 SES Chief, Planning and Environmental Coordination
 SES Assistant Director, Management Services
 SES Assistant Director, Solid Leasable Minerals
 SES Assistant Director, Fluid Leasable Minerals
 SES ALMRS-GIS Program Manager
 SES State Director, Eastern States
 SES State Director, Utah
 SES State Director, Wyoming
 SES State Director, Montana
 SES State Director, Colorado
 SES State Director, California
 SES State Director, Alaska
 SES State Director, Oregon
 SES State Director, Arizona
 SES State Director, New Mexico
 SES State Director, Idaho
 SES State Director, Nevada
 SES Director, Denver Service Center
 SES Director, Boise Interagency Fire Center

Office of Surface Mining

SES Director, External Affairs
 SES Deputy Director, Operations and Technical Service
 SES Deputy Director, Administration and Finance
 SES Assistant Director for Program Operations
 SES Assistant Director for Budget and Administration
 SES Assistant Director for Finance and Accounting
 SES Assistant Director, Western Field Operations
 SES Assistant Director, Eastern Field Operations
 SES* Assistant Director for Information Systems Management

Office of the Assistant Secretary Policy, Budget and Administration

SES Deputy Assistant Secretary
 SES* Deputy Assistant Secretary for Policy and Analysis
 SES Director of Security and Drug Enforcement
 SES Director, Management Services
 SES* Special Assistant to the Assistant Secretary
 SES Director, Office of Construction
 SES Principal Deputy Assistant Secretary
 SES Director of Acquisition, Construction and Property Management
 SES Director of Budget and Finance
 SES Deputy Agency Ethics and Audit Coordination Official
 SES Deputy Director, Office of Construction
 SES Director, Office of Acquisition and Property Management
 SES Deputy Director, Acquisition and Property Management
 SES Director, Office of Information Resources Management
 SES Deputy Director, Office of Information Resources Management
 SES Director, Office of Management Improvement

SES Director, Office of Environmental Project Review
 SES Director, Office of Administrative Services
 SES Director, Office of Budget
 SES* Director, Office of Program Analysis
 SES Deputy Director, Program Analysis
 SES Assistant Director for Special Analysis
 SES* Assistant Director of Energy and Natural Resource Analysis
 SES Assistant Director for Economics
 SES Director, Office of Personnel
 SES Deputy Director, Office of Personnel
 SES Director, Office of Financial Management
 SES Deputy Director, Office of Financial Management
 SES Director, Office of Aircraft Services

Bureau of Indian Affairs

SES Area Operations Officer (Northern)
 SES Deputy to the Assistant Secretary (Operations)
 SES Deputy to the Assistant Secretary (Tribal Services)
 SES Deputy to the Assistant Secretary (Trust & Economic Development)
 SES Deputy to the Assistant Secretary (Indian Education Programs)
 SES Director, Office of Data Systems
 SES Director of Administration
 SES Area Director, Muskogee
 SES Area Director, Anadarko
 SES Area Director, Navajo
 SES Area Director, Albuquerque
 SES Area Director, Portland
 SES Area Director, Juneau
 SES Area Director, Minneapolis
 SES Area Director, Eastern Area
 SES Area Director, Aberdeen
 SES Area Director, Billings
 SES Area Director, Sacramento
 SES Deputy Area Director (Albuquerque)

Navajo-Hopi Indian Relocation Commission

SES Commissioners (3)
 SES Executive Director

AGENCY: DEPARTMENT OF JUSTICE**Positions:****Office of the Attorney General**

SES Executive Assistant to the Attorney General
 SES Assistant to the Attorney General for Administration and Management
 SES Assistant to the Attorney General for Criminal Matters
 SES* Assistant to the Attorney General
 SES Assistant to the Attorney General for Civil Matters
 SES* Assistant to the Attorney General for Communications

Office of the Deputy Attorney General

SES All Associate Deputy Attorneys General

Office of the Associate Attorney General

SES All Deputy Associate Attorneys General
 SES Executive Assistant to the Associate Attorney General for Management Issues

Office of the Solicitor General

SES All Deputy Solicitors General (5)

Legal Divisions: Antitrust, Civil, Civil Rights, Criminal, Land and Natural Resources, and Tax

SES All Deputy Assistant Attorneys General in Legal Divisions (20)
 SES Director of Operations, Antitrust Division
 SES Deputy Director of Operations, Antitrust Division
 SES Chief, Organized Crime and Racketeering Section, Criminal Division

Office of Legal Counsel

SES All Deputy Assistant Attorneys General (3)

Office of Legislative Affairs

No Section 207(d)(1)(C) Designations.

Office of Liaison Services

SES Director
 SES Deputy Director

Justice Management Division

SES Assistant Attorney General for Administration
 SES All Deputy Assistant Attorneys General (4)

Office of Public Affairs

SES Director

Office of the Pardon Attorney

No Section 207(d)(1)(C) Designations.

United States Parole Commission

GS-18 All Commissioners (9)

United States Marshals Service

SES Director
 SES Assistant Director for Financial Management
 SES Assistant Director for Inspections
 SES Deputy Director
 SES Associate Director for Operations
 SES Associate Director for Administration
 SES* Assistant Director for Operations Support

United States Attorneys

SES United States Attorneys (92)

Drug Enforcement Administration

SES All Assistant Administrators (3)
 SES Chief Counsel
 SES All Deputy Assistant Administrators (7)
 SES Special Agent in Charge, Office of Training

Federal Bureau of Investigation

SES Executive Assistant Directors (3)
 SES All Assistant Directors (11)
 SES Assistant Director in Charge, New York Office
 SES All Inspectors/Deputy Assistant Directors (21)
 SES Inspector in Charge, Office of Liaison and International Affairs
 SES All Special Agents in Charge of Field Offices above GS-16 (26)
 SES Deputy Assistant Director in Charge, New York Office
 SES Special Assistant to the Director

Immigration and Naturalization Service

SES Deputy Commissioner

SES All Associate Commissioners (4)
 SES All Regional Commissioners (4)
 SES General Counsel

Bureau of Prisons

SES Director
 SES Deputy Director
 SES All Assistant Directors (4)
 SES All Regional Directors (5)
 SES Associate Commissioner for Prison Industries
 SES Wardens (15)
 SES General Counsel
 SES Director, National Institute of Corrections

Community Relations Service

SES Deputy Director

Office of Justice Programs

SES Deputy Assistant Attorney General
 SES Comptroller
 SES General Counsel
 SES Director, Office for Victims of Crime

National Institute of Justice

SES Assistant Director, Office of Development Testing and Dissemination
 SES Assistant Director, Office of Research Programs

Office of Juvenile Justice and Delinquency Prevention

SES Deputy Administrator

Bureau of Justice Statistics

SES Deputy Director

Office of Policy Development

SES Deputy Assistant Attorneys General (3)

Office of Intelligence Policy Review

SES Counsel for Intelligence Policy
 SES Deputy Counsel for Intelligence Policy
 SES Deputy Counsel for Intelligence Operations

Executive Office for Immigration Review

SES Director
 SES Assistant to the Director
 SES Chief Administrative Hearing Officer
 SES Chief Immigration Judge
 SES Chairman, Board of Immigration Appeals

Interpol-United States National Central Bureau

SES Chief

Office of Special Counsel for Immigration Related Unfair Employment Practices

GS-17* Special Counsel for Immigration Related Unfair Employment Practices

AGENCY: DEPARTMENT OF LABOR**Positions:****Office of the Deputy Secretary of Labor (O/Deputy SECY)**

SES* Associate Deputy Secretary of Labor (2)

Office of the Inspector General (OIG)

SES Deputy Inspector General
 SES Assistant Inspector General for Investigations
 SES Assistant Inspector General for Audit

SES Deputy Assistant Inspector General for Audit

SES Assistant Inspector General for/Director Office of Resource Management and Legislative Assessment

SES* Assistant Inspector General for Labor Racketeering

Women's Bureau

GS-17 Director
 SES Deputy Director

Office of Congressional and Intergovernmental Affairs (OCIA)

SES* Deputy Assistant Secretary for Congressional and Intergovernmental Affairs

Office of the Assistant Secretary Administration and Management

SES* Assistant Secretary for Administration and Management
 SES Deputy Assistant Secretary
 SES Director, Administrative and Procurement Programs
 SES Comptroller for the Department
 SES Deputy Comptroller

Office of Administrative Law Judges (ALJ)

No Section 207(d)(1)(C) Designations.

Office of Public Affairs (OPA)

SES* Deputy Assistant Secretary for/Director, Office of Public Affairs

Bureau of Labor-Management Relations (BLMR)

SES* Deputy Under Secretary for Labor-Management Relations

Office of Labor-Management Standards (OLMS)

SES* Deputy Assistant Secretary for Labor-Management Standards

Pension and Welfare Benefits Administration (PWBA)

SES* Deputy Assistant Secretary for Program Operations
 SES* Deputy Assistant Secretary for Policy

Occupational Safety and Health Administration (OSHA)

SES Deputy Assistant Secretary (2)
 SES Director of Policy
 SES* Director of Field Programs
 SES Director, Federal-State Operations
 SES* Director of Compliance Programs
 SES Director, Safety Standards Programs
 SES Director, Health Standards Programs
 SES Director, Technical Support

Mine Safety and Health Administration (MSHA)

SES Deputy Assistant Secretary for Mine Safety and Health
 SES Administrator for Metal and Nonmetal Mine Safety and Health
 SES Deputy Administrator for Metal and Nonmetal Mine Safety and Health
 SES Administrator for Coal Mine Safety and Health
 SES Deputy Administrator for Coal Mine Safety and Health
 SES Director of Technical Support

SES Director of Educational Policy and Development
SES Chief, Standards, Regulations and Variances

Employment Standards Administration (ESA)

SES* Deputy Assistant Secretary for Employment Standards (2)
SES Director, Office of Federal Contract Compliance Programs (OFCCP)
SES Deputy Director, OFCCP
SES Deputy Administrator, Wage and Hour Division (WH)
SES Director, Office of Workers' Compensation Programs (OWCP)
SES Deputy Director, OWCP

Bureau of Labor Statistics (BLS)

SES Deputy Commissioner for Administration and Internal Operations

Office of the Solicitor of Labor

SES Deputy Solicitor for National Operations
SES Deputy Solicitor for Regional Operations
SES* Deputy Solicitor for Planning and Coordination

Employment and Training Administration (ETA)

SES* Deputy Assistant Secretary, ETA (3)
SES Administrator, Office of Strategic Planning and Policy Development (OSPPD)
SES Deputy Administrator, (OSPPD)
SES* Administrator, Office of Regional Management (ORM)
SES Administrator, Office of Employment Security (OES)
SES Administrator, Office of Job Training Programs (OJTP)
SES Deputy Administrator, (OJTP)
SES Administrator, Office of Financial and Administrative Management (OFAM)

Bureau of International Labor Affairs (ILAB)

SES Deputy Under Secretary for International Affairs

Office of the Assistant Secretary for Policy (ASP)

SES Deputy Assistant Secretary for Regulatory Economics and Economic Policy Analysis
SES Deputy Assistant Secretary for Program Economics and Research and Technical Support

National Commission for Employment Policy (NCEP)

AD Director

President's Committee on Employment of People with Disabilities

SES Executive Director

Office of the Assistant Secretary for Veteran's Employment and Training (VETS)

SES Deputy Assistant Secretary

AGENCY: DEPARTMENT OF STATE

Positions:

ESOO* Advisor to Deputy Secretary for Strat Pol, D
ESOO* Economic Advisor, E
FEMC SA to Sec & Coord Int'l Lab Aff, S/IL
FEMC* Coordinator, S/CT

ESOO Chief of Protocol, S/CPR
FEMC* Associate Coordinator, S/CT (2)
FEMC Exec Sec of Dept., S/S
FEMC Deputy Director, Policy Planning Staff, S/P (1)
ESOO Director, Policy Planning Staff, S/P (2)
SES* Advisor for Plans and Programs, S/R
FEMC Executive Assistant to Deputy Secretary, D
FEMC Senior Advisor to the Under Secretary, P
SROO Coord, Int'l Comm & Info Pol, CIP
FEMC Deputy Coordinator, CIP
ESOO* Deputy Director, CIP
FEMC Senior Rep. for Strategic Technology Policy, T/ST
FEMC Executive Assistant, M
FEMC Special Coordinator, M
ESOO* Director, MEBCO M
ESOO Deputy Assistant Secretary, S/EOOCR
ESOO Ombudsman for the Dept., S/CSO
ESOO* U.S. Negotiator, S/DEL
FEMC Director of Management Operations, M/MP
FEMC Deputy Director of Management Operations, M/MP (2)
SROO Director, Office of Foreign Missions, M/OFM
FEMC* Deputy Assistant Secretary M/OFM
ESOO Program Director, M/OFM
FEMC Deputy Inspector General, OIG (1)
ESOO State Representative, PM/SREP
FEMC Negotiator for Nuclear Testing Talks, PM
ESOO Deputy Representative—START Negotiations, PM/SREP
FEOC Deputy Representative—INF Negotiations, PM/SREP
FEMC United States Representative, PM/CDE
FEMC Deputy Assistant Secretary, PM/RASA
ESOO Deputy Assistant Secretary, PM/TTC
FEMC Deputy Assistant Secretary, PM/PDAS
ESOO Deputy Assistant Secretary, PM/DAC
ESOO Deputy Assistant Secretary, HA
FEOC Deputy Assistant Secretary, HA
ESOO Deputy Assistant Secretary, INM
FEMC Deputy Assistant Secretary, INM
ESOO Principal Deputy Assistant Secretary, OES
ESOO Deputy Assistant Secretary, OES/O
ESOO Deputy Assistant Secretary, OES/S
ESOO Deputy Assistant Secretary, OES/E
ESOO Deputy Assistant Secretary, OES/N
ESOO Director of Refugee Programs, RP
FEMC Deputy Assistant Secretary, RP/MGT
FEMC Deputy Assistant Secretary, RP/LA
ESOO Deputy Assistant Secretary, RP/RA
ESOO Deputy Legal Adviser, L (4)
FEMC Deputy Assistant Secretary, EB
FEMC Deputy Assistant Secretary, EB/TDC
FEMC Deputy Assistant Secretary, EB/IFD
ESOO Deputy Assistant Secretary, EB/TRA
FEMC Deputy Assistant Secretary, EB/ERP
ESOO Deputy Assistant Secretary, EB/ITC
FEMC Deputy Assistant Secretary, INR
ESOO Deputy Assistant Secretary, INR/RA
FEMC Deputy Assistant Secretary, INR/C
FEMC Deputy Assistant Secretary, INR/FAR

ESOO Deputy Assistant Secretary, INR/ID
ESOO Deputy Assistant Secretary, H (3)
FEMC Deputy Assistant Secretary, H
ESOO Comptroller, M/COMP
ESOO Deputy Assistant Secretary, PA
FEMC Deputy Assistant Secretary, PA
ESOO Deputy Assistant Secretary, ARA (2)
FEMC Deputy Assistant Secretary, ARA (3)
FEMC Deputy United States Representative, ARA/USOAS
ESOO Deputy Assistant Secretary, EUR
FEMC Deputy Assistant Secretary, EUR (4)
FEMC Deputy Assistant Secretary, EAP (4)
ESOO United States Representative, EAP/PIA
ESOO Deputy Assistant Secretary, NEA
FEMC Deputy Assistant Secretary, NEA (5)
ESOO Deputy Assistant Secretary, AF
FEMC Deputy Assistant Secretary, AF (3)
ADOO Deputy United States Representative, USUN
ADOO Deputy U.S. Representative in the Security Council, USUN
ADOO United States Representative, Economic & Social Affairs Council, USUN
ADOO* Alternate U.S. Representative for Special Political
ESOO Deputy Assistant Secretary Private Sector Initiates
FEMC Deputy Assistant Secretary, IO (3)
ESOO Deputy Assistant Secretary, IO
FEMC Deputy Assistant Secretary, DS/DSS
FEMC Deputy Assistant Secretary, A/CDC
FEMC Deputy Assistant Secretary, A/FBO
FEMC Deputy Assistant Secretary, DGP/PER (3)
ESOO Deputy Assistant Secretary, DGP/PER
FEMC Deputy Assistant Secretary, A/ISO
FEMC Deputy Assistant Secretary, A/OPR
ESOO Deputy Assistant Secretary for Policy and Counter Terrorism, DS/P
FEMC* Medical Director, M/MED
FEMC Director Foreign Service Inst, M/FSI
FEMC Deputy Assistant Secretary, A/OC
FEMC Deputy Assistant Secretary, CA
FEMC Deputy Assistant Secretary, CA/PPT
FEMC Deputy Assistant Secretary, CA/VO
ESOO Deputy Assistant Secretary, CA/OCS
FEMC Deputy Chief of Mission, Buenos Aires
FEMC Deputy Chief of Mission, Brasilia
FEMC Principal Officer, Rio De Jan
FEMC Principal Officer, Sao Paulo
FEMC Deputy Chief of Mission, Bogota
FEOC* Deputy Chief of Mission, Tunis
FEOC* Deputy Chief of Mission, Rabat
FEOC* Deputy Chief of Mission, Damascus
FEOC* Principal Officer, Dhahran
FEOC* Deputy Chief of Mission, Dhaka
FEOC* Principal Officer, Jeddah
FEOC* Deputy Chief of Mission, Kuwait
FEMC* Deputy Chief of Mission, Pretoria
FEOC* Deputy Chief of Mission, Abidjan
FEOC* Deputy Chief of Mission, Khartoum
FEMC Principal Officer, Havana
FEMC Charge d'Affaires, St. Georges
FEMC Deputy Chief of Mission, Kingston
FEMC Deputy Chief of Mission, Mexico D.F.
FEMC Deputy Chief of Mission, Panama
FEMC Deputy Chief of Mission, Lima
FEMC Deputy Chief of Mission, Caracas
FEMC Deputy Chief of Mission, Vienna
FEMC United States Representative, UNVIE
Vienna

FEMC Deputy United States Representative, UNVIE Vienna
 FEMC United States Representative, MBFR Vienna
 FEMC Deputy United States Representative, MBFR Vienna
 ESOO Director of Interagency Affairs, A/OC/IAA
 FEMC Deputy Chief of Mission, Brussels
 FEMC Deputy Chief of Mission, Brussels-EC
 FEMC United States Representative, Brussels NATO
 FEMC Deputy Chief of Mission, Brussels NATO
 FEMC Deputy Chief of Mission, Athens
 FEMC United States Representative, Montreal
 FEMC Deputy Chief of Mission, Ottawa
 FEMC Principal Officer, Montreal
 FEMC Principal Officer, Toronto
 FEMC Deputy Chief of Mission, London
 FEMC Deputy Chief of Mission, Paris
 FEMC Deputy Chief of Mission, OECD Paris
 FEMC United States Representative, OECD Paris
 FEMC Deputy Chief of Mission, Bonn
 FEMC Assistant Chief of Mission, Berlin
 FEMC Principal Officer, Frankfurt
 FEMC Principal Officer, Munich
 FEMC Deputy Chief of Mission, Rome
 FEMC Principal Officer, Milan
 FEMC Principal Officer, Naples
 FEMC United States Representative, USM FAO Rome
 FEMC Deputy United States Representative, USM FAO Rome
 FEMC Charge d'Affaires, Warsaw
 FEMC Deputy Chief of Mission, Madrid
 FEMC Deputy Chief of Mission, Stockholm
 FEMC United States Representative, US MIS GEN
 FEMC Deputy United States Representative, US MIS GEN
 FEMC United States Negotiator, Geneva (3)
 FEMC Deputy Chief of Mission, Ankara
 FEMC Principal Officer, Istanbul
 FEMC Deputy Chief of Mission, Moscow
 FEMC Principal Officer, Hong Kong
 FEMC Deputy Principal Officer, Hong Kong
 FEMC Deputy Chief of Mission, Beijing
 FEMC Principal Officer, Guangzhou
 FEMC Deputy Chief of Mission, Jakarta
 FEMC Deputy Chief of Mission, Canberra
 FEMC Principal Officer, Melbourne
 FEMC Principal Officer, Sydney
 FEMC Deputy Chief of Mission, Tokyo
 FEMC Deputy Chief of Mission, Seoul
 FEMC Deputy Chief of Mission, Vientiane
 FEMC Deputy Chief of Mission, Manila
 FEMC Director, Asian Development Bank, ASIAN DEV BK
 FEMC Deputy Chief of Mission, Bangkok
 FEMC Deputy Chief of Mission, Cairo
 FEMC Deputy Chief of Mission, New Delhi
 FEMC Principal Officer, Bombay
 FEMC Principal Officer, Baghdad
 FEMC Deputy Chief of Mission, Tel Aviv
 FEMC Principal Officer, Jerusalem
 FEMC Deputy Chief of Mission, Beirut
 FEMC Deputy Chief of Mission, Islamabad
 FEMC Principal Officer, Karachi
 FEMC Deputy Chief of Mission, Riyadh
 FEMC Deputy Chief of Mission, Kinshasa
 FEMC Charge d'Affaires, Add. Ababa
 FEMC Deputy Chief of Mission, Nairobi
 FEMC Deputy Chief of Mission, Lagos

ADOO Commissioner, IJC
 SROO Commissioner International Joint Comm, IJC
 SROO Commissioner International Joint Comm, IJC

AGENCY: DEPARTMENT OF TRANSPORTATION

Positions:

Office of the Secretary of Transportation

SES Deputy General Counsel
 SES Deputy Assistant Secretary for Policy and International Affairs
 SES Deputy Assistant Secretary for Policy and Program Development
 SES Deputy Assistant Secretary for Safety
 SES Deputy Assistant Secretary for Budget and Programs
 SES Deputy Assistant Secretary for Governmental Affairs
 SES Deputy Assistant Secretary for Governmental Affairs (Intergovernmental and Consumer)
 SES Deputy Assistant Secretary for Public Affairs
 SES Assistant Secretary for Administration
 SES Deputy Assistant Secretary for Administration (2)
 SES Chief of Staff
 SES Director, Office of Commercial Space Transportation
 SES Director, Office of Civil Rights
 SES* Director, Office of Small and Disadvantaged Business Utilization

Office of the Inspector General

SES Assistant Inspector General for Auditing, Office of the Secretary
 SES Deputy Assistant Inspector General for Auditing
 SES Director, Office of Surface Transportation and Secretarial Programs, Assistant Inspector General for Auditing
 SES Director, Office Aviation, Marine and Research Programs, Assistant Inspector General for Auditing
 SES Director, Office of ADP Audits and Technical Support, Assistant Inspector General for Auditing
 SES Assistant Inspector General for Investigations
 SES Assistant Inspector General for Policy, Planning and Resources

United States Coast Guard

0-7/0-8 Chief Counsel
 SES Deputy Chief Counsel
 0-7/0-8 Chief of Staff
 0-7/0-8* Comptroller/Resource Director
 0-7/0-8 Chief, Office of Engineering and Development
 0-7/0-8 Chief, Office of Marine Safety, Security and Environmental Protection
 0-7/0-8 Chief, Office of Navigation, Safety and Waterway Services
 0-7/0-8 Chief, Office of Command, Control and Communication
 0-7/0-8 Chief, Office of Law Enforcement and Defense Operations
 0-7/0-8 Commanders, Maintenance and Logistics Commands (2)
 0-7/0-8 District Commanders (10)
 0-7/0-8* Commander, Joint Task Force Five
 0-7/0-8* Chief, Office of Acquisition

Federal Aviation Administration

SES Chief of Staff, Office of the Administrator
 SES Associate Administrator for Administration
 SES Deputy Associate Administrator for Administration
 SES Associate Administrator for Airports
 SES Deputy Associate Administrator for Airports
 SES Associate Administrator for Aviation Standards
 SES Deputy Associate Administrator for Aviation Standards
 SES Associate Administrator for Air Traffic
 SES Deputy Associate Administrator for Air Traffic
 SES Associate Administrator for Policy, Planning and International Aviation
 SES Deputy Associate Administrator for Policy, Planning and International Aviation
 SES Associate Administrator for Human Resource Management
 SES Deputy Associate Administrator for Human Resource Management
 SES* Associate Administrator for Aviation Safety
 SES* Deputy Associate Administrator for Aviation Safety
 SES* Associate Administrator for Airway Facilities
 SES* Deputy Associate Administrator for Airway Facilities
 SES* Executive Director for Regulatory Standards and Compliance
 SES* Associate Administrator for Regulation and Certification
 SES* Executive Director for System Development
 SES* Associate Administrator for Advanced Design and Management Control
 SES* Deputy Associate Administrator for Advanced Design and Management Control
 SES* Associate Administrator for NAS Development
 SES* Deputy Associate Administrator for NAS Development
 SES* Executive Director for Policy, Plans, and Resource Management
 SES* Executive Director for Systems Operations
 SES Chief Counsel
 SES Deputy Chief Counsel
 SES Deputy Federal Air Surgeon
 SES Regional Administrator, Eastern Region (New York)
 SES Deputy Regional Administrator, Eastern Region
 SES Regional Administrator, New England Region (Boston)
 SES Deputy Regional Administrator, New England Region
 SES Regional Administrator, Southern Region (Atlanta)
 SES Deputy Regional Administrator, Southern Region
 SES Regional Administrator, Southwest Region (Fort Worth)
 SES Deputy Regional Administrator, Southwest Region
 SES Regional Administrator, Central Region (Kansas City)

SES Deputy Regional Administrator, Central Region
 SES Regional Administrator, Great Lakes Region (Chicago)
 SES Deputy Regional Administrator, Great Lakes Region
 SES Regional Administrator, Western-Pacific Region (Los Angeles)
 SES Deputy Regional Administrator, Western-Pacific Region
 SES Regional Administrator, Northwest Mountain Region (Seattle)
 SES Deputy Regional Administrator, Northwest Mountain Region
 SES Regional Administrator, Alaska Region (Anchorage)
 SES Deputy Regional Administrator, Alaska Region
 SES Director, Europe, Africa, and Middle East Office

Federal Highway Administration

SES Deputy Administrator
 SES Executive Director
 SES Associate Administrator for Policy
 SES Associate Administrator for Research Development and Technology
 SES Associate Administrator for Right-Of-Way and Environment
 SES Associate Administrator for Engineering and Program Development
 SES Associate Administrator for Safety and Operations
 SES Associate Administrator for Motor Carriers
 SES Associate Administrator for Administration
 SES* Director Federal Program Administrator
 SES Chief Counsel
 SES Deputy Chief Counsel
 SES Regional Federal Highway Administrators (9)

Federal Railroad Administration

SES Deputy Administrator
 SES Associate Administrator for Administration
 SES Executive Director
 SES Chief Counsel
 SES Associate Administrator for Passenger and Freight Services
 SES Deputy Associate Administrator for Passenger and Freight Services
 SES Associate Administrator for Policy
 SES Deputy Associate Administrator for Policy
 SES Associate Administrator for Safety
 SES Deputy Associate Administrator for Safety
 SES Director, Office of Safety Enforcement

National Highway Traffic Safety Administration

SES Deputy Administrator
 SES Chief Counsel
 SES Associate Administrator for Rulemaking
 SES Managing Director
 SES Associate Administrator for Plans and Policy
 SES Associate Administrator for Traffic Safety Programs
 SES Associate Administrator for Research and Development
 SES Deputy Associate Administrator for Research and Development

SES Associate Administrator for Enforcement
 SES Associate Administrator for Administration
 SES* Deputy Associate Administrator for Traffic Safety Programs

Urban Mass Transportation Administration

SES Deputy Administrator
 SES Executive Director
 SES Associate Administrator for Administration
 SES Chief Counsel
 SES* Deputy Chief Counsel
 SES Associate Administrator for Technical Assistance
 SES Associate Administrator for Budget and Policy
 SES Associate Administrator for Grants Management

Saint Lawrence Seaway Development Corporation

SES* Associate Administrator

Research and Special Programs Administration

SES Administrator
 SES Deputy Administrator for Research and Technology and Chief Scientist
 SES* Deputy Administrator for Operations
 SES Chief Counsel
 SES Director, Office of Hazardous Materials Transportation
 SES Director, Office of Pipeline Safety
 SES Director, Transportation Systems Center
 SES Deputy Director, Transportation Systems Center

Maritime Administration

SES Deputy Administrator
 SES Deputy Administrator for Inland Waterways and Great Lakes
 SES Special Assistant to Maritime Administrator
 SES Director, Office of External Affairs
 SES Chief Counsel
 SES Deputy Chief Counsel
 SES Associate Administrator for Administration
 SES Associate Administrator for Policy and International Affairs
 SES Associate Administrator for Maritime Aids
 SES Deputy Associate Administrator for Maritime Aids
 SES Associate Administrator for Shipbuilding and Ship Operations
 SES Director, Office of Ship Construction, Office of the Associate Administrator for Shipbuilding and Ship Operations
 SES Deputy Director, Office of Ship Construction, Office of the Associate Administrator for Shipbuilding and Ship Operations
 SES Director, Office of Ship Operations, Office of the Associate Administrator for Shipbuilding and Ship Operations
 SES Senior Technical Advisor, Office of the Associate Administrator for Marketing
 SES Associate Administrator for Marketing
 SES Superintendent, Merchant Marine Academy

AGENCY: DEPARTMENT OF THE TREASURY

Positions:

Departmental Offices

Office of the Assistant Secretary for Policy Management

SES Executive Secretary

Office of the Inspector General

SES* Principal Deputy Inspector General
 SES Deputy Inspector General
 SES Assistant Inspector General for Audit (DOTOC)
 SES Assistant Inspector General for Audit (Fiscal Services/ADP)
 SES Assistant Inspector General for Investigations

Office of the Assistant Secretary for Domestic Finance

SES Deputy Assistant Secretary, Federal Finance
 SES Deputy Assistant Secretary, Financial Institutions Policy
 SES* Deputy Assistant Secretary for Domestic Policy Coordination

Office of the Assistant Secretary for International Affairs

SES Senior Deputy Assistant Secretary for International Economic Policy
 SES Deputy Assistant Secretary for International Monetary Affairs
 SES Deputy Assistant Secretary for Developing Nations
 SES Deputy Assistant Secretary for Trade and Investment Policy
 SES Deputy Assistant Secretary for Arabian Peninsula Affairs

Office of the Assistant Secretary for Tax Policy

SES Deputy Assistant Secretary, Tax Policy
 SES Deputy Assistant Secretary, Tax Analysis

Office of the Assistant Secretary for Public Affairs and Public Liaison

SES* Deputy Assistant Secretary (Public Affairs)
 SES* Deputy Assistant Secretary (Public Liaison)

Office of the Fiscal Assistant Secretary

SES Assistant Secretary
 SES Deputy Fiscal Assistant Secretary

Office of the Assistant Secretary for Management

SES Deputy Assistant Secretary for Administration
 SES Deputy Assistant Secretary for Departmental Finance and Management
 SES Deputy Assistant Secretary for Information Systems

Office of the Assistant Secretary for Economic Policy

SES Deputy Assistant Secretary (Policy Analysis)
 SES Deputy Assistant Secretary (Policy Coordination)

Office of the Assistant Secretary for Enforcement

SES Deputy Assistant Secretary (Law Enforcement)
 SES Deputy Assistant Secretary (Regulatory, Trade and Tariff Enforcement)

Office of the Assistant Secretary for Legislative Affairs

SES Deputy Assistant Secretary for Legislative Affairs (Legislation)
 SES Deputy Assistant Secretary for Legislative Affairs (Policy)

Treasurer of the United States

GS-18 Treasurer and National Savings Bond Director
 SES Deputy Treasurer

Comptroller of the Currency

SES Senior Deputy Comptroller for Legislative and Public Affairs
 SES Senior Deputy Comptroller for Bank Supervision Operations
 SES Senior Deputy Comptroller for Corporate and Economic Programs
 SES Senior Deputy Comptroller for Administration
 SES Senior Deputy Comptroller for Bank Supervision Policy
 SES Senior Advisor to the Comptroller

Customs Service

SES Commissioner
 SES Deputy Commissioner
 SES Assistant Commissioner, International Affairs
 SES Assistant Commissioner, Enforcement
 SES Deputy Assistant Commissioner, Enforcement
 SES Assistant Commissioner, Commercial Operations
 SES Deputy Assistant Commissioner, Inspection and Control
 SES Assistant Commissioner, Inspection and Control
 SES Comptroller
 SES Assistant Commissioner, Internal Affairs

Financial Management Service

SES Commissioner
 SES Deputy Commissioner

Internal Revenue Service

SES Senior Deputy Commissioner
 SES Deputy Commissioner (Operations)
 SES Deputy Commissioner (Planning and Resources)
 SES Assistant Commissioner (Inspection)
 SES Regional Commissioner (C)
 SES Regional Commissioner (MA)
 SES Regional Commissioner (MW)
 SES Regional Commissioner (NA)
 SES Regional Commissioner (SE)
 SES Regional Commissioner (SW)
 SES Regional Commissioner (W)

Legal Division

SES Deputy General Counsel, Office of the General Counsel
 SES Tax Legislative Counsel, Office of the Assistant Secretary (Tax Policy)
 SES International Tax Counsel, Office of the Assistant Secretary (Tax Policy)
 SES Chief Counsel, U.S. Customs Service

SES Deputy Chief Counsel, U.S. Customs Service
 SES Chief Counsel, U.S. Secret Service
 SES Chief Counsel, Bureau of the Public Debt
 SES Chief Counsel, Office of Foreign Assets Control
 SES Chief Counsel, Financial Management Service
 SES Chief Counsel, Comptroller of the Currency
 SES Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
 SES Deputy Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
 SES Deputy Chief Counsel, Internal Revenue Service

U.S. Mint

GS-18 Director
 SES Deputy Director of the Mint
 SES Associate Director for Policy and Management
 SES Associate Director for Marketing
 SES Associate Director for Operations
 SES* Assistant Director for Automated Information Systems

U.S. Savings Bonds Division

No Section 207(d)(1)(C) Designations

U.S. Secret Service

SES Director
 SES Deputy Director

Bureau of Alcohol, Tobacco and Firearms

SES Director
 SES Deputy Director/Associate Director (Compliance Operations)
 SES Deputy Director/Associate Director (Law Enforcement)
 SES Assistant Director, Internal Affairs

Bureau of Public Debt

SES Commissioner of Public Debt

Federal Law Enforcement Training Center

SES Director
 SES Deputy Director

Bureau of Engraving and Printing

SES Director
 SES Deputy Director
 SES Assistant Director (Administration)
 SES Assistant Director (Operations)
 SES Assistant Director (Research and Engineering)
 SES* Program Director, Facilities Planning and Development

AGENCY: DEPARTMENT OF VETERANS AFFAIRS**Positions:****Office of the Secretary**

SES Associate Deputy Administrator for Congressional Affairs
 SES Associate Deputy Administrator for Logistics
 SES* Deputy Associate Deputy Administrator for Logistics
 SES Associate Deputy Administrator for Management
 SES Deputy Associate Deputy Administrator for Management
 SES Associate Deputy Administrator for Public Affairs

SES* Deputy Associate Deputy Administrator for Public Affairs

Office of Inspector General

SES Deputy Inspector General
 SES Assistant Inspector General for Audit
 SES Assistant Inspector General for Investigations
 SES Assistant Inspector General for Policy, Planning and Resources
 SES Deputy Assistant Inspector General for Headquarter Audits
 SES Deputy Assistant Inspector General for Regional Audits
 SES Deputy Assistant Inspector General for Policy, Planning and Resources
 SES Deputy Assistant Inspector General for Investigations

Office of the General Counsel

SES Deputy General Counsel

Office of Program Analysis and Evaluation

SES Director

Office of Budget and Finance

SES Director

Office of Facilities

SES Director
 SES Deputy Director

National Cemetery System

SES Deputy Director

Veterans' Benefits Administration

SES Deputy Chief Benefits Director for Program Management
 SES Deputy Chief Benefits Director for Field Operations
 SES Deputy Chief Benefits Director for ADP Systems Management

Veterans Health Services and Research Administration

SES Deputy Associate Deputy Chief Medical Director

Office of Personnel and Labor Relations

SES Director
 SES Deputy Director

Office of Information Systems and Telecommunications

SES Director
 SES* Deputy Director

Office of Acquisition and Material Management

SES Director
 SES Deputy Director
 SES* Director of Acquisition Management Service

Office of Information Management and Statistics

SES Director

Office of Equal Opportunity

SES Director

Office of Systems Planning, Policy and Acquisition Control

SES Director

AGENCY: ACTION*Positions:*

SES Executive Officer, Office of the Director
 SES General Counsel
 SES Inspector General
 SES Deputy General Counsel
 SES Associate Director for Management and Budget
 SES Special Assistant to the Associate Director, Office of Management and Budget
 SES* Special Assistant to the Associate Director—Office of Policy, Research & Evaluation
 SES* Associate Director for Policy, Research and Evaluation
 SES* Director, Special Emphasis Operation—Office of Domestic and Anti-Poverty Operations
 SES* Comptroller

AGENCY: ADMINISTRATIVE CONFERENCE OF THE UNITED STATES*Positions:*

SES* General Counsel
 SES Executive Director
 SES Research Director

AGENCY: ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Positions: No Section 207(d)(1)(C)
 Designations

AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION*Positions:*

SES Executive Director
 SES General Counsel

AGENCY: AFRICAN DEVELOPMENT FOUNDATION

Positions: No Section 207(d)(1)(C)
 Designations

AGENCY: AMERICAN BATTLE MONUMENTS COMMISSION*Positions:*

0-8 Secretary

AGENCY: APPALACHIAN REGIONAL COMMISSION

Positions: No Section 207(d)(1)(C)
 Designations

AGENCY: BOARD FOR INTERNATIONAL BROADCASTING*Positions:*

SES Executive Director

AGENCY: CENTRAL INTELLIGENCE AGENCY*Positions:*

AD Executive Director
 AD All Deputy Directors and Associate Deputy Directors of Directorates
 AD All Heads of Independent Offices and Certain Deputies
 AD Director and Deputy Director, Intelligence Community Staff
 AD Certain Staff Officials, Intelligence Community Staff
 AD Certain Office Directors and Deputy Directors in the Administration, Science

and Technology, Intelligence and Operations Directorates
 AD Chairman and Vice Chairman, National Intelligence Council

AGENCY: COMMISSION ON CIVIL RIGHTS*Positions:*

SES Solicitor
 SES Deputy Staff Director for Management
 SES General Counsel
 SES Executive Assistant to the Staff Director
 SES* Staff Director

AGENCY: COMMISSION OF FINE ARTS

Positions: No Section 207(d)(1)(C)
 Designations

AGENCY: COMMODITY FUTURES TRADING COMMISSION*Positions:*

SES Executive Director
 SES Deputy Executive Director (1)
 SES Director, Division of Enforcement
 SES Deputy Director, Division of Enforcement (3)
 SES Chief Economist, Division of Economic Analysis
 SES Deputy Chief Economist, Division of Economic Analysis (1)
 SES Director, Division of Trading and Markets
 SES* Deputy Director, Division of Trading and Markets (2)
 SES Deputy General Counsel, Office of General Counsel (3)
 SES Associate Director for Market Analysis, Division of Economic Analysis
 SES General Counsel
 SES Associate General Counsel for Opinions and Review, Office of General Counsel
 SES Associate Director for Surveillance, Division of Economic Analysis
 SES Chief Counsel, Division of Trading and Markets
 SES Director, Office of Information Resources Management
 SES* Chief of Staff, Office of the Chairman

AGENCY: CONSUMER PRODUCT SAFETY COMMISSION*Positions:*

SES General Counsel
 SES Executive Director
 SES Deputy Executive Director
 SES Associate Executive Director for Administration
 SES Associate Executive Director for Compliance and Administrative Litigation
 SES Associate Executive Director for Economic Analysis
 SES Associate Executive Director for Engineering Sciences
 SES Associate Executive Director for Epidemiology
 SES Associate Executive Director for Field Operations
 SES Associate Executive Director for Health Sciences
 SES Director, Office of Program Management and Budget
 SES Executive Assistant to the Chairman

AGENCY: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Positions: No Section 207(d)(1)(C)
 Designations

AGENCY: DISTRICT OF COLUMBIA GOVERNMENT*Positions:*

AD Superintendent of Schools
 AD President, University of the District of Columbia
 AD General Manager, Convention Center
 AD* Executive Director, D.C. General Hospital
 AD* Medical Director, D.C. General Hospital
 AD* General Manager, D.C. Armory Board
 AD* Commanding General, D.C. National Guard
 AD* Deputy Superintendent of Schools

AGENCY: ENVIRONMENTAL PROTECTION AGENCY*Positions:*

SES Regional Administrator, Region I
 SES Regional Administrator, Region II
 SES Regional Administrator, Region III
 SES Regional Administrator, Region IV
 SES Regional Administrator, Region V
 SES Regional Administrator, Region VI
 SES Regional Administrator, Region VII
 SES Regional Administrator, Region VIII
 SES Regional Administrator, Region IX
 SES Regional Administrator, Region X
 SES Director, Office of Radiation Programs, OAR
 SES Director, Office of Municipal Pollution Control, OW
 SES Director, Office of Water Regulations and Standards, OW
 SES Director, Office of Solid Waste, SWER
 SES Director, Office of Drinking Water, OW
 SES Director, Office of Pesticide Programs
 SES Director, Office of Compliance Monitoring, OPTS
 SES Director, Office of Acid Deposition, Environmental Monitoring and Quality Assurance, ORD
 SES Director, Office of Environmental Processes and Effects Research, ORD
 SES Director, Office of Environmental Engineering and Technology, ORD
 SES Director, Office of Toxic Substances, OPTS
 SES Deputy General Counsel, OGC
 SES Director, Office of Federal Activities, OEA
 SES Director, Office of Mobile Sources, OAR
 SES Director, Office of Emergency and Remedial Response, SWER
 SES Deputy Inspector General, OIG
 SES Assistant Inspector General for Investigations, OIG
 SES Deputy Assistant Administrator for Administration and Resources Management, OARM
 SES Deputy Assistant Administrator for Policy, Planning and Evaluation, OPPE
 SES Director, Office of Policy Analysis, OPPE
 SES Director, Office of Standards and Regulations, OPPE

SES Deputy Assistant Administrator for External Affairs, OEA
 SES Director, Office of Congressional Liaison, OEA
 SES Director, Office of Legislative Analysis, OEA
 SES Assistant Inspector General for Audits, OIG
 SES Deputy Assistant Administrator for Water, OW
 SES Director, Office of Marine and Estuarine Protection, OW
 SES Director, Office of Ground Water Protection, OW
 SES Director, Office of Water Enforcement and Permits, OW
 SES Deputy Assistant Administrator for Solid Waste and Emergency Response, SWER
 SES Director, Office of Waste Programs Enforcement, SWER
 SES Deputy Assistant Administrator for Air and Radiation, OAR
 SES Director, Office of Air Quality Planning and Standards, OAR
 SES Deputy Assistant Administrator for Pesticides and Toxic Substances, OPTS
 SES Deputy Assistant Administrator for Research and Development, ORD
 SES Director, Office of Health Research, ORD
 SES Deputy Regional Administrator, Region I
 SES Deputy Regional Administrator, Region II
 SES Deputy Regional Administrator, Region III
 SES Deputy Regional Administrator, Region IV
 SES Deputy Regional Administrator, Region V
 SES Deputy Regional Administrator, Region VI
 SES Deputy Regional Administrator, Region VII
 SES Deputy Regional Administrator, Region VIII
 SES Deputy Regional Administrator, Region IX
 SES Deputy Regional Administrator, Region X
 SES Director, Office of Health and Environmental Assessment, ORD
 SES Director, Office of Exploratory Research, ORD
 SES Director, Office of Wetlands Protection, OW
 SES Director, Office of Underground Storage Tanks, SWER
 SES Deputy General Counsel (Litigation, Legislation, and Regional Operations), OGC
 SES Assistant Inspector General for Management and Technical Assessment (OIG)
 SES Deputy Assistant Administrator for Enforcement and Compliance Monitoring (Civil) (OECM)
 SES Deputy Assistant Administrator for Enforcement and Compliance Monitoring (Criminal) (OECM)
 SES Director, National Enforcement Investigations Center (OECM)
 SES Director, Office of Administration (OARM)
 SES Comptroller (OARM)

SES Director, Office of Human Resources Management (OARM)
 SES Director, Office of Information Resources Management (OARM)
 SES Director, Office of Regulatory Support and Scientific Analysis (ORD)
 SES* Director, Office of Pollution Prevention (OPPE)
 SES* Director, Chemical Emergency Preparedness and Prevention Programs (OSWER)

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Positions:

SES Deputy General Counsel
 SES Associate General Counsel for Trial Services
 SES Legal Counsel
 SES Deputy Legal Counsel
 SES Director, Office of Program Operations
 SES* Director, Office of Review and Appeals
 SES* Management Director
 SES* Executive Assistant to the Chairman

AGENCY: EXPORT-IMPORT BANK OF THE UNITED STATES

Positions:

GS-18 General Counsel
 GS-17 Executive Vice President

AGENCY: FARM CREDIT ADMINISTRATION

Positions:

SES General Counsel
 SES Associate General Counsel for Litigation and Enforcement
 SES Director of Internal Audit
 SES Chief Examiner, Office of Examination
 SES Regional Director, Northeast Region, Office of Examination
 SES Regional Director, Southeast Region, Office of Examination
 SES Regional Director, Western Region, Office of Examination
 SES Regional Director, Central Region, Office of Examination
 SES Director, Special Examination Division, Office of Examination
 SES Director, Congressional and Public Affairs
 SES Director, Office of Administration
 SES Chief, Records and Projects Division, OA
 SES* Director, Office of Financial Analysis
 SES* Deputy Director, Office of Financial Analysis
 SES* Assistant Director, Office of Financial Analysis
 SES* Inspector General
 SES* Director, Office of Regulatory Enforcement
 SES* Associate General Counsel for Corporate and Administrative Law

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

Positions:

SES Managing Director
 SES General Counsel
 SES Chief Engineer
 SES Chief, Mass Media Bureau
 SES Chief, Common Carrier Bureau

SES Chief, Private Radio Bureau
 SES Chief, Field Operations Bureau
 SES Chief, Office of Plans and Policy
 SES Chief of Staff, Office of the Chairman
 SES Deputy Managing Director
 SES Deputy Chief, Mass Media Bureau (Operations)
 SES Deputy Chief, Mass Media Bureau (Policy)
 SES Deputy Chief, Common Carrier Bureau (Policy)
 SES Deputy Chief, Common Carrier Bureau (Operations)
 SES Deputy Chief, Private Radio Bureau
 SES Deputy Chief, Field Operations Bureau
 SES Deputy Chief, Office of Plans and Policy
 SES Deputy Chief Engineer
 SES Deputy General Counsel
 SES* Inspector General

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION

Positions:

FDIC E-4 Deputy to the Chairman
 FDIC E-4 Deputy to the Director (Appointive)
 FDIC E-4 General Counsel
 FDIC E-4 Director, Division of Bank Supervision
 FDIC E-4 Director, Division of Liquidation
 FDIC E-3 Director, Office of Research and Strategic Planning
 FDIC E-4 Director, Division of Accounting and Corporate Services
 FDIC E-3 Associate Director, Division of Bank Supervision, Policy and Administration Branch
 FDIC E-3 Deputy General Counsel, Open Bank Regulation, Litigation and Legislation Branch, Legal Division
 FDIC E-3 Deputy General Counsel, Closed Bank Investigation and Litigation Branch, Legal Division
 FDIC E-3 Associate Director, Division of Bank Supervision, Operations Branch
 FDIC E-3 Regional Director, Atlanta Region, Division of Bank Supervision
 FDIC E-3 Regional Director, Boston Region, Division of Bank Supervision
 FDIC E-3 Regional Director, Chicago Region, Division of Bank Supervision
 FDIC E-3 Regional Director, Dallas Region, Division of Bank Supervision
 FDIC E-3 Regional Director, Kansas City Region, Division of Bank Supervision
 FDIC E-3 Regional Director, Memphis Region, Division of Bank Supervision
 FDIC E-3 Regional Director, New York Region, Division of Bank Supervision
 FDIC E-3 Regional Director, San Francisco Region, Division of Bank Supervision
 FDIC E-3 Associate Director, Division of Accounting and Corporate Services (Financial Services)
 FDIC E-3 Associate Director, Division of Accounting and Corporate Services (Management Information Services)
 FDIC E-3 Associate Director, Division of Liquidation (Operations)
 FDIC E-3 Associate Director, Division of Liquidation (Credit)
 FDIC E-3 Associate Director, Division of Liquidation (Administration)

FDIC E-3 Associate Director, Division of Accounting and Corporate Services (Corporate Services)
 FDIC E-3 Regional Director (Liquidation), Atlanta Region
 FDIC E-3 Regional Director (Liquidation), Dallas Region
 FDIC E-3 Regional Director (Liquidation), New York Region
 FDIC E-3 Regional Director (Liquidation), San Francisco Region
 FDIC E-3 Regional Director (Liquidation), Chicago Region
 FDIC E-3 Deputy General Counsel, Regional and Corporate Affairs Branch, Legal Division
 FDIC E-3 Regional Director (Liquidation), Kansas City Region
 FDIC E-3 Associate Director, Division of Bank Supervision, Failing Banks and Assistance Transactions Branch
 FDIC E-3* Associate Director, Division of Liquidation, Assistance Transactions Branch

AGENCY: FEDERAL ELECTION COMMISSION

Positions:

GS-17 Deputy General Counsel

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES Regional Director, FEMA, Region I, Boston, Massachusetts
 SES Regional Director, FEMA, Region II, New York, New York
 SES Regional Director, FEMA, Region III, Philadelphia, Pennsylvania
 SES Regional Director, FEMA, Region IV, Atlanta, Georgia
 SES Regional Director, FEMA, Region V, Chicago, Illinois
 SES Regional Director, FEMA, Region VI, Denton, Texas
 SES Regional Director, FEMA, Region VII, Kansas City, Missouri
 SES Regional Director, FEMA, Region VIII, Denver, Colorado
 SES Regional Director, FEMA, Region IX, San Francisco, California
 SES Regional Director, FEMA, Region X, Bothell, Washington

Office of Chief of Staff

SES General Counsel
 SES Inspector General
 SES Director of Personnel
 SES Comptroller
 SES Chief of Staff
 SES Assistant Chief of Staff for Administration
 SES Director of Security

Federal Insurance Administration

SES Deputy Administrator
 SES Assistant Administrator, Office of Insurance Policy Analysis and Technical Services
 SES Assistant Administrator, Office of Loss Reduction

Office of Training

SES Superintendent of National Fire Academy

SES Superintendent, Emergency Management Institute
 SES Director of Training
 SES Deputy Director of Training

National Preparedness Directorate

SES Deputy Associate Director
 SES Assistant Associate Director, Office of Systems Engineering
 SES Senior Policy Advisor
 SES Assistant Associate Director, Office of Operations
 SES Assistant Associate Director, Office of Mobilization Preparedness
 SES Assistant Associate Director, Office of Operations Analysis and Control
 SES Assistant Associate Director, Office of Information Resources Management
 SES Assistant Associate Director, Office of Facilities Management
 SES Deputy Assistant Associate Director, Office of Facilities Management (Chief, FOD)
 SES* Senior Policy Advisor

State and Local Programs and Support Directorate

SES Deputy Associate Director
 SES Assistant Associate Director, Natural and Technological Hazards
 SES Assistant Associate Director, Civil Defense
 SES Assistant Associate Director, Disaster Assistance Programs

External Affairs Directorate

SES Deputy Associate Director

United States Fire Administration

SES* Deputy Administrator

AGENCY: FEDERAL ENERGY REGULATORY COMMISSION

Positions:

SES Executive Director
 SES Director, Office of Economic Policy
 SES General Counsel
 SES Deputy General Counsel
 SES Chief Accountant
 SES Deputy Chief Accountant
 SES Director, Office of Electric Power Regulation
 SES Deputy Director, Office of Electric Power Regulation
 SES Director, Office of Hydropower Licensing
 SES Deputy Director, Office of Hydropower Licensing
 SES Director, Office of Pipeline and Producer Regulation (OPPR)
 SES Secretary to the Commission
 SES Chief, Administrative Law Judge

AGENCY: FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Positions:

GS-18 Executive Secretary

AGENCY: FEDERAL HOME LOAN BANK BOARD²

Positions:

SES General Counsel

SES Executive Director, Federal Savings and Loan Insurance Corporation
 SES Executive Director
 SES Executive Director for Policy
 SES Executive Director for Public Affairs
 SES Executive Director for Administration and Human Resources
 SES* Inspector General

AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION

Positions:

AD President—Chief Executive Officer
 AD Executive Vice President—Chief Financial Officer
 AD Executive Vice President—Internal and External Affairs
 AD Executive Vice President—Marketing and Sales
 AD Executive Vice President—Operations
 AD Senior Vice President, Legal Corporate Secretary
 AD Senior Vice President—Information Services
 AD* Senior Vice President—Risk Management
 AD Vice President—Controller
 AD Vice President—Corporate Finance
 AD Vice President—Financial Research
 AD Vice President—Regional Operations
 AD Vice President and Treasurer
 AD Regional Vice President—North Central
 AD Regional Vice President—Northeast
 AD Regional Vice President—Southeast
 AD Regional Vice President—Southwest
 AD Regional Vice President—Western
 AD General Manager—Security Sales and Trading Group

AGENCY: FEDERAL LABOR RELATIONS AUTHORITY

Positions:

GS-18 Chairman, Federal Service Impasses Panel
 GS-18 Members of the Federal Service Impasses Panel (6)
 GS-18 Chairman, Foreign Service Impasse Disputes Panel
 GS-18 Members, Foreign Service Impasse Disputes Panel (4)
 GS-17 Chief Administrative Law Judge
 SES Executive Director
 SES Solicitor
 SES Associate General Counsel
 SES Chief Counsel to Chairman
 SES Chief Counsel to Member (2)
 SES Director, Information Resources and Research Services
 SES Assistant General Counsel for Field Management
 SES Assistant General Counsel for Field Management Legal Policy
 SES Assistant General Counsel, Appeals
 SES Regional Director, Boston
 SES Regional Director, New York
 SES Regional Director, Washington
 SES Regional Director, Atlanta
 SES Regional Director, Chicago
 SES Regional Director, Dallas

Corp., Resolution Trust Corporation and Federal Housing Finance Board are successor agencies pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act, 103 Stat.183 (1989).

² Office of Thrift Supervision (Department of the Treasury), portions of the Federal Deposit Insurance

SES Regional Director, Denver
 SES Regional Director, Los Angeles
 SES Regional Director, San Francisco
 SES Executive Director, Federal Service
 Impasses Panel

AGENCY: FEDERAL MARITIME COMMISSION

Positions:

SES General Counsel
 SES Director, Bureau of Domestic Regulation
 SES Director, Bureau of Trade Monitoring
 SES Deputy General Counsel
 SES Director, Bureau of Hearing Counsel
 SES Secretary
 SES Director, Bureau of Economic Analysis
 SES Director, Bureau of Investigations
 SES Counsel to the Chairman
 SES Managing Director
 SES Director, Bureau of Administration
 SES Deputy Managing Director

AGENCY: FEDERAL MEDIATION AND CONCILIATION SERVICE

Positions:

SES Deputy Director
 SES Executive Director
 SES Regional Directors (2)

AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
 SES General Counsel

AGENCY: FEDERAL RESERVE BOARD

Positions:

Staff Director, Division of Banking Supervision and Regulation
 Director, Division of International Finance
 Director, Division of Monetary Affairs
 Director, Division of Research and Statistics
 Staff Director, Office of Staff Director for Management
 Executive Director, Office of Executive Director for Information Resources Management
 General Counsel, Legal Division
 Staff Director, Office of Staff Director for Federal Reserve Bank Activities
 Director, Division of Federal Reserve Bank Operations
 Director, Division of Consumer and Community Affairs
 Assistant to the Board (for Public Affairs)
 Office of Board Members
 Assistant to the Board (for Congressional Liaison)
 Office of Board Members
 Secretary, Office of the Secretary
 Director, Division of Human Resources Management
 Deputy Director, Division of Monetary Affairs
 Deputy Director, Division of Research and Statistics
 Controller, Office of the Controller
 Deputy General Counsel, Legal Division
 Director, Division of Hardware and Software Systems
 Director, Division of Applications and Statistical Service
 Inspector General, Office of the Inspector General

Director, Division of Support Services
 *Deputy Executive Director, Office of the Executive
 Director for Information Resources

AGENCY: FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Positions:

SES General Counsel
 SES Assistant General Counsel (2)
 SES Director for Investments
 GS-18 Chairman
 GS-18 Member (4)
 SES* Director of Automated Systems
 SES* Director of Benefits and Program Analysis
 SES* Director of External Affairs
 SES* Director of Accounting
 SES* Director of Administration

AGENCY: FEDERAL TRADE COMMISSION

Positions:

SES General Counsel
 SES Deputy General Counsel
 SES Director, Bureau of Competition
 SES Deputy Directors, Bureau of Competition
 SES Director, Bureau of Consumer Protection
 SES Deputy Directors, Bureau of Consumer Protection
 SES Director, Bureau of Economics
 SES Deputy Directors, Bureau of Economics
 SES Executive Director
 SES Chief of Staff
 SES* Inspector General

AGENCY: GENERAL ACCOUNTING OFFICE

Positions:

SES Director, for Planning and Reporting (RCED)
 SES Assistant Comptroller General for Resources, Community and Economic Development (RCED) Programs
 SES Director for Operations (RCED)
 SES Assistant Comptroller General for Accounting and Financial Management (AFMD)
 SES Director for Operations (AFMD)
 SES Director for Planning and Reporting (AFMD)
 SES Assistant Comptroller General for General Government Programs (GGD)
 SES Director for Planning and Reporting (GGD)
 SES Director for Operations (GGD)
 SES Assistant Comptroller General for Human Resources Programs
 SES Director for Planning and Reporting, HRD
 SES Director for Operations, HRD
 SES Deputy General Counsel
 SES Director, Office of Internal Evaluation
 SES Director, European Office
 SES Director, Far East Office
 SES Director, Office of Policy
 SES Director of Personnel
 SES Director, General Services and Controller
 SES Deputy Director, General Services and Controller
 SES Assistant Comptroller General for Program Evaluation and Methodology
 SES Deputy Director, Program Evaluation and Methodology Division

SES Director, Civil Rights Office
 SES General Counsel
 SES Assistant Comptroller General
 SES Assistant Comptroller General for Planning and Reporting
 SES Assistant Comptroller General for Operations
 SES Chief Economist
 SES Deputy Chief Economist
 SES Assistant Comptroller General for National Security and International Affairs (NSIAD) Programs
 SES Director for Planning and Reporting (NSIAD)
 SES Director for Operations (NSIAD)
 SES Assistant Comptroller General for Information Management and Technology (IMTEC)
 SES Director for Operations (IMTEC)
 SES Director for Planning and Reporting (IMTEC)
 SES Regional Manager, Los Angeles
 SES Regional Manager, Dallas
 SES Regional Manager, Philadelphia
 SES Regional Manager, Atlanta
 SES Regional Manager, Boston
 SES Regional Manager, San Francisco
 SES Regional Manager, Denver
 SES Regional Manager, New York
 SES Regional Manager, Detroit
 SES Regional Manager, Cincinnati
 SES Regional Manager, Kansas City
 SES Regional Manager, Seattle
 SES Regional Manager, Chicago
 SES Regional Manager, Norfolk
 SES Special Assistant to the Comptroller General
 SES Director, Office of Publishing and Communications (OPC)
 SES Director, Office of Information Resources Management (OIRM)
 SES Deputy Assistant Comptroller General for Operations
 SES Deputy Assistant Comptroller General for Human Resources
 SES Director, Office of Public Affairs
 SES* Director, GAO Training Institute
 SES* Director, Office of Recruitment

AGENCY: GENERAL SERVICES ADMINISTRATION

Positions:

Office of the Administrator

SES* Executive Assistant to The Administrator
 SES Deputy Administrator
 SES* Chief of Staff
 SES Executive Assistant to the Deputy Administrator
 SES* Senior Advisor to The Administrator
 SES Special Counsel for Ethics Civil Rights
 SES Director, Office of Small and Disadvantaged Business Utilization
 SES Executive Director, Regulatory Information Service Center
 SES Assistant to the Administrator for Child Care and Development Programs

Office of Policy Analysis

SES Associate Administrator for Policy Analysis

Office of Operations and Industry Relations

SES Associate Administrator for Operations and Industry Relations

SES Deputy Associate Administrator for Operations and Industry Relations

Office of Public Affairs

SES Associate Administrator for Public Affairs

Office of Congressional Affairs

SES* Associate Administrator for Congressional Affairs

Office of Administration

SES Associate Administrator for Administration
SES Director of Personnel
SES Deputy Director of Personnel
SES* Director, Cooperative Administrative Support Program
SES Director, Office of Administrative Programs and Support
SES Director, Office of Administrative Services
SES Director, Office of Management Programs

Office of Operations

SES Associate Administrator for Operations

Office of Information Security Oversight

SES Director of Information Security Oversight

Office of the Inspector General

SES Deputy Inspector General
SES Assistant Inspector General for Administration
SES Assistant Inspector General for Auditing
SES Deputy Assistant Inspector General for Auditing
SES Assistant Inspector General for Investigations
SES Counsel to the Inspector General

Office of Acquisition Policy

SES Associate Administrator for Acquisition Policy
SES Deputy Associate Administrator for Acquisition Policy
SES Director of Acquisition Management and Contract Clearance

Office of General Counsel

SES General Counsel
SES Deputy General Counsel
SES Special Assistant to the Deputy General Counsel
SES Associate General Counsel for General Law
SES Deputy Associate General Counsel for General Law
SES Associate General Counsel for Personal Property
SES Associate General Counsel for Real Property

Office of the Comptroller

SES Comptroller
SES Deputy Comptroller for Finance
SES Deputy Comptroller for Financial Management Systems
SES Deputy Comptroller for Budget

Federal Property Resources Service

SES Commissioner, Federal Property Resources Service

SES Deputy Commissioner
SES Assistant Commissioner for Real Estate Policy and Sales
SES Assistant Commissioner for National Defense Stockpile
SES Deputy Assistant Commissioner for National Defense Stockpile

Public Buildings Service

SES Commissioner, Public Buildings Service
SES Deputy Commissioner
SES Special Assistant to the Commissioner
SES Controller, Public Buildings Service
SES Director for Real Property Information Systems
SES Assistant Commissioner for Government-Wide Real Property Policy and Oversight
SES Assistant Commissioner for Real Property Management and Safety
SES Deputy Assistant Commissioner for Real Property Management and Safety
SES Director, Facility Management Division
SES Assistant Commissioner for Physical Security and Law Enforcement
SES Assistant Commissioner for Real Property Development
SES Deputy Assistant Commissioner for Real Property Development
SES Assistant Commissioner for Procurement
SES Assistant Commissioner for Facility Planning

Information Resources Management Service

SES Commissioner, Information Resources Management Service
SES Deputy Commissioner for Telecommunications
SES Deputy Commissioner for Federal Information Resources Management
SES Assistant Commissioner for Information Resources Management Policy
SES Assistant Commissioner for Information Resources Procurement
SES Assistant Commissioner for GSA Information Systems
SES Assistant Commissioner for Network Services
SES Assistant Commissioner for Technical Assistance
SES Controller, Information Resources Management Service
SES Assistant Commissioner for Regional Telecommunications Services
SES Director, Office of Innovative Office Systems
SES* Director of Administration

Federal Supply Service

SES Commissioner, Federal Supply Service
SES Deputy Commissioner, Federal Supply Service
SES Controller, Federal Supply Service
SES Assistant Commissioner for Policy and Agency Liaison
SES Assistant Commissioner for Commodity Management
SES Assistant Commissioner for Customer Support Management
SES Assistant Commissioner for Quality and Contract Administration
SES Assistant Commissioner for Transportation Audits
SES Assistant Commissioner for National Distribution

SES* Assistant Commissioner for Strategic Business Planning

Regional Offices

SES Regional Administrator, Region 2 (New York)
SES Senior Advisor, Region 2 (New York)
SES Deputy Regional Administrator, Region 2 (New York)
SES Assistant Regional Administrator, Public Buildings Service, Region 2 (New York)
SES Assistant Regional Administrator, Federal Supply Service, Region 2 (New York)
SES Regional Administrator, Region 3 (Philadelphia)
SES Deputy Regional Administrator, Region 3 (Philadelphia)
SES Assistant Regional Administrator, Information Resources Management Service, N.E. Zone, Region 3 (Philadelphia)
SES Assistant Regional Administrator, Public Buildings Service, Region 3 (Philadelphia)
SES Regional Administrator, Region 4 (Atlanta)
SES Deputy Regional Administrator, Region 4 (Atlanta)
SES Assistant Regional Administrator, Public Buildings Service, Region 4 (Atlanta)
SES Assistant Regional Administrator, Information Resources Management Service, Region 4 (Atlanta)
SES Assistant Regional Administrator, Federal Supply Service, Region 4 (Atlanta)
SES Regional Administrator, Region 5 (Chicago)
SES Deputy Regional Administrator, Region 5 (Chicago)
SES Assistant Regional Administrator, Public Buildings Service, Region 5 (Chicago)
SES Regional Administrator, Region 6 (Kansas City)
SES Deputy Regional Administrator, Region 6 (Kansas City)
SES Assistant Regional Administrator for Administration, Region 6 (Kansas City)
SES Assistant Regional Administrator, Public Buildings Service, Region 6 (Kansas City)
SES Regional Administrator, Region 7 (Fort Worth)
SES Deputy Regional Administrator, Region 7 (Fort Worth)
SES Assistant Regional Administrator, Public Buildings Service, Region 7 (Fort Worth)
SES Assistant Regional Administrator, Federal Supply Service, Region 7 (Fort Worth)
SES Assistant Regional Administrator, Information Resources Management Service, Region 7 (Fort Worth)
SES Regional Administrator, Region 8 (Denver)
SES Senior Advisor, Region 8 (Denver)
SES Regional Administrator, Region 9 (San Francisco)
SES Deputy Regional Administrator, Region 9 (San Francisco)
SES Assistant Regional Administrator, Public Buildings Service, Region 9 (San Francisco)

SES Assistant Regional Administrator, Federal Supply Service, Region 9 (San Francisco)

SES Assistant Regional Administrator, Information Resources Management Service, Region 9 (San Francisco)

SES Regional Administrator, Region 10 (Auburn)

SES Senior Advisor, Region 10 (Auburn)

SES Regional Administrator, National Capital Region (Washington, DC)

SES Deputy Regional Administrator, National Capital Region (Washington, DC)

SES Assistant Regional Administrator for Real Estate and Development, National Capital Region (Washington, DC)

SES Assistant Regional Administrator for Operations, National Capital Region (Washington, DC)

SES Assistant Regional Administrator, Information Resources Management Service, National Capital Region (Washington, DC)

SES Director of Federal Domestic Assistance Catalog Staff, Information Resources Management Service, National Capital Region (Washington, DC)

GSA Board of Contract Appeals

GS-18 Chairman and Chief Administrative Judge of Board of Contract Appeals

GS-17 Vice Chairman, Board of Contract Appeals

AGENCY: HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Positions: No section 207(d)(1)(C) designations.

AGENCY: INSTITUTE OF MUSEUM SERVICES

Positions: No section 207(d)(1)(C) designations.

AGENCY: INTER-AMERICAN FOUNDATION

Positions: No section 207(d)(1)(C) designations.

AGENCY: INTERNATIONAL JOINT COMMISSION

Positions:

SES* Commissioner (Chairman), IJC

SES* Commissioner, IJC

SES* Commissioner, IJC

AGENCY: INTERNATIONAL TRADE COMMISSION

Positions:

SES Director, Office of Operations

SES General Counsel

SES Director, Office of Industries

SES Director, Office of Investigations

SES Director, Office of Economics

SES Director, Office of Administration

SES Director, Office of Tariff Affairs and Trade Agreements

SES* Director, Office of Unfair Import Investigations

AGENCY: INTERSTATE COMMERCE COMMISSION

Positions:

SES Managing Director

SES General Counsel

SES Director, Bureau of Traffic

SES Director, Bureau of Accounts

SES Director, Office of Proceedings

SES Director, Office of Transportation Analysis (OTA)

SES Deputy General Counsel

SES Deputy General Counsel, Research and Legislation

SES Director, Office Compliance and Consumer Assistance (OCCA)

SES Associate Director, Office of Compliance and Consumer Assistance (OCCA)

SES Chief of Staff

SES Director, Office of Government and Public Affairs

SES Deputy Director, Bureau of Accounts

AGENCY: JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Positions:

SES Executive Director

AGENCY: MARINE MAMMAL COMMISSION

Positions:

GS-18 Executive Director

AGENCY: MERIT SYSTEMS PROTECTION BOARD

Positions:

SES Counsel to the Chairman for Legal Policy

SES Executive Director

SES* Deputy Executive Director for Management

SES* Director, Office of Management Analysis

SES Director, Office of Policy and Evaluation

SES* Senior Advisor for Workforce Quality Assessment

SES Deputy Executive Director for Regional Operations

SES General Counsel

SES Deputy General Counsel

SES Director, Office of Administration

SES Director, Office of Appeals Counsel

SES Deputy Director, Office of Appeals Counsel

SES Associate Director for Appeals Policy

SES Regional Director, Atlanta

SES Regional Director, Chicago

SES Regional Director, Dallas

SES Regional Director, Philadelphia

SES Regional Director, San Francisco

SES Regional Director, Washington, D.C.

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

Office of the Administrator

SES Associate Deputy Administrator

SES* Associate Deputy Administrator

Office of the Comptroller

SES Deputy Comptroller, NASA

SES Comptroller, NASA

Office of Commercial Programs

SES Assistant Administrator for Commercial Programs

SES Deputy Assistant Administrator for Commercial Programs

Office of Headquarters Operations

SES Assistant Administrator for Headquarters Operations

SES Deputy Assistant Administrator for Headquarters Operations

Office of Space Science and Applications

SES Associate Administrator for Space Science and Applications

SES Deputy Associate Administrator for Space Science and Applications

Office of General Counsel

SES General Counsel, NASA

SES Deputy General Counsel, NASA

Office of Procurement

SES* Assistant Administrator for Procurement

SES* Deputy Assistant Administrator for Procurement

Office of Communications

SES* Associate Administrator for Communications

SES* Deputy Associate Administrator for Communications

Office of Space Flight

SES* Associate Administrator for Space Flight

SES* Deputy Associate Administrator for Space Flight

Office of Management

SES* Associate Administrator for Management

SES* Deputy Associate Administrator for Management

Office of Safety, Reliability, Maintainability and Quality Assurance

SES* Associate Administrator for Safety, Reliability, Maintainability and Quality Assurance

SES* Deputy Associate Administrator for Safety, Reliability, Maintainability and Quality Assurance

Office of Aeronautics and Space Technology

SES* Associate Administrator for Aeronautics and Space Technology

SES* Deputy Associate Administrator for Aeronautics and Space Technology

Office of Space Station

SES Associate Administrator for Space Station

SES Deputy Associate Administrator for Space Station

Office of Space Operations

SES Associate Administrator for Space Operations

SES Deputy Associate Administrator for Space Operations

Office of Equal Opportunity Programs

SES Assistant Administrator for Equal Opportunity Programs

SES Deputy Assistant Administrator for Equal Opportunity Programs

Inspector General

SES Deputy Inspector General

SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Auditing

Office of External Relations

SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

Office of Exploration

SES Assistant Administrator for Exploration
SES Deputy Assistant Administrator for Exploration

Ames Research Center

SES Director, NASA Ames Research Center
SES Deputy Director, NASA Ames Research Center

Goddard Space Flight Center

SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

Johnson Space Center

SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

Kennedy Space Center

SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

Langley Research Center

SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

Lewis Research Center

SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

Marshall Space Flight Center

SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

Stennis Space Center

SES Director, NASA Stennis Space Center
SES Deputy Director, NASA Stennis Space Center

AGENCY: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Positions:

SES Deputy Archivist of the United States
SES General Counsel
SES Assistant Archivist, Office of Management and Administration
SES Assistant Archivist, Office of Federal Records Centers
SES Assistant Archivist, Office of the National Archives
SES Assistant Archivist, Office of Public Programs
SES Director, Office of the Federal Register
SES Assistant Archivist, Office of Presidential Libraries

SES Assistant Archivist, Office of Records Administration

AGENCY: NATIONAL CAPITAL PLANNING COMMISSION

Positions:

SES Executive Director
SES Associate Executive Director for Regional Affairs
SES Associate Executive Director for District of Columbia Affairs
SES Assistant Executive Director for Operations

AGENCY: NATIONAL COMMISSION ON EMPLOYMENT POLICY

Positions: No Section 207(d)(1)(C) Designations.

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Director, Office of Examination and Insurance
SES Regional Directors (6)
SES Deputy General Counsel
SES Chief Economist
SES President, CLF
SES Executive Director
SES Deputy Director, Office of Examination and Insurance
SES* Deputy Executive Director
SES* Director, Office of Information Systems

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

SES Director of Policy, Planning, Research and Budget
SES Deputy Chairman for Management
SES Deputy Chairman for Programs
SES Associate Deputy Chairman for Programs and Director of Program Coordination
GS-17* Executive Director, President's Committee on the Arts and the Humanities (PCA&H)

AGENCY: NATIONAL ENDOWMENT FOR THE HUMANITIES

Positions:

SES Deputy Chairman (Programs and Administration)
SES Deputy Chairman (Policy)
SES General Counsel
SES Assistant Chairman for Administration
SES Assistant Chairman for Programs
SES Director, Division of Research Programs
SES Director, Division of General Programs
SES Director, Office of Planning and Budget
SES* Director, Division of State Programs
SES* Director, Office of Challenge Grants
SES* Director, Division of Fellowships & Seminars
SES* Director, Division of Education Programs
SES* Communications Policy Director, Office of Publications and Public Affairs

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES Associate General Counsel, Division of Enforcement Litigation
SES* Inspector General, Office of the Chairman, Office of the General Counsel

AGENCY: NATIONAL MEDIATION BOARD

Positions:

SES Executive Director

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES* Inspector General
SES Senior Science Advisor
SES Executive Officer, National Science Board
SES Director, Office of Audit and Oversight
SES Director, Office of Legislative and Public Affairs
SES Controller, National Science Foundation
SES General Counsel
SES Director, Office of Information Systems
SES Director, Office of Science and Technology Centers Development
SES* Director, Research Facilities Office
SES Assistant Director for Computer and Information Science and Engineering
SES Assistant Director for Science and Engineering Education
SES Assistant Director for Scientific, Technological and International Affairs
SES Assistant Director for Administration
SES Deputy Assistant Director for Engineering
SES Assistant Director for Biological, Behavioral and Social Sciences
SES Assistant Director for Engineering
SES Assistant Director for Geosciences
SES Assistant Director for Mathematical and Physical Sciences

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
SES Director, Bureau of Administration
SES Director, Bureau of Safety Programs
SES Director, Bureau of Field Operations

AGENCY: NUCLEAR REGULATORY COMMISSION

Positions:

Office of the Commission

SES Executive Assistant to the Chairman

Advisory Committee on Reactor Safeguards

SES Executive Director, ACRS
SES Assistant Executive Director for Project Review, ACRS

STS* Assistant Director for Technical Support, ACRS

Office of the Secretary

SES Secretary of the Commission
SES Assistant Secretary of the Commission

Office of the Inspector General

SES* Assistant Inspector General for Investigations
SES* Assistant Inspector General for Audits

Office of Investigations

SES Director, Office of Investigations
SES Deputy Director, Office of Investigations

Atomic Safety and Licensing Board Panel

SES Chief Administrative Judge
SES Deputy Chief Administrative Judge (Executive)
GG-17 Deputy Chief Administrative Judge (Technical)

Atomic Safety and Licensing Appeal Panel

SES Chairman, ASLAP
GG-17 Administrative Judge (Legal) ASLAP (2)
GG-17 Administrative Judge (Technical) (1)

Office of the General Counsel

SES General Counsel
SES Solicitor
SES Deputy General Counsel for Licensing and Regulation
SES Assistant General Counsel for Adjudications and Opinions
SES Deputy Assistant General Counsel for Adjudications and Opinions/Legislative Counsel
SES Assistant General Counsel for Rulemaking and Fuel Cycle
SES Deputy General Counsel for Hearings, Enforcement, and Administration
SES* Special Deputy Assistant General Counsel
SES Assistant General Counsel for Administration
SES* Deputy Assistant General Counsel for Administration/Special Counsel for Administrative Litigation
SES Assistant General Counsel for Hearings and Enforcement
SES Deputy Assistant General Counsel, Enforcement Branch
SES Deputy Assistant General Counsel, Reactor Licensing Branch
SES Deputy Assistant General Counsel, Materials, Antitrust, and Special Proceedings Branch
GG-17 Special Assistant for International Affairs

Office of Governmental and Public Affairs

SES Director, Office of Governmental and Public Affairs
SES Director, Congressional Affairs
SES Director, Office of State Programs
SES Deputy Director, State, Local and Indian Tribe Programs
SES* A/D for State Agreements Program
SES Director, International Programs
SES A/D for International Policy and Reactor Safety Cooperation
SES A/D for International Security Exports and Materials Safety

SES Director, Public Affairs
SES Deputy Director, Public Affairs

Executive Director for Operations

SES Executive Director for Operations
SES Deputy Executive Director for Nuclear Material Safety, Safeguards, and Operations Support
SES Assistant for Operations
SES Deputy Executive Director for Nuclear Reactor Regulations, Regional Operations, and Research

Office of Enforcement

SES Director

Office of Administration

SES Director, Office of Administration
SES Director, Division of Contracts and Property Management

Office of Information Resources Management

SES Director, Office of Information Resources Management
SES Executive Assistant to the Director

Office of the Controller

SES Controller
SES Deputy Controller

Office of Personnel

SES Director, Office of Personnel
SES Deputy Director, Office of Personnel

Office of Nuclear Reactor Regulation

SES Director, Office of Nuclear Reactor Regulation
SES Deputy Director, Office of Nuclear Reactor Regulation
STS Special Assistant for Policy Development
SES Director, Program Management, Policy Development, and Analysis Staff
SES Chief, Planning, Program and Management Support Branch
SES Chief, Policy Development and Technical Support Branch
SES Chief, Inspection, Licensing, and Research Integration Branch
SES Associate Director for Projects
SES Director, Division of Reactor Projects—
I/II
SES Assistant Director for Region I Reactors
SES Project Director, Directorate I-1
SES Project Director, Directorate I-2
SES Project Director, Directorate I-3
SES Project Director, Directorate I-4
SES Assistant Director for Region II Reactors
SES Project Director, Directorate II-1
SES Project Director, Directorate II-2
SES Project Director, Directorate II-3
SES Director, Division of Reactor Projects—
III/IV/V and Special Projects
SES Assistant Director for Region III and V Reactors
SES Project Director, Directorate III-1
SES Project Director, Directorate III-2
SES Project Director, Directorate III-3
SES Project Director, Directorate V
SES Assistant Director for Region IV Reactors and Special Projects
SES Project Director, Directorate IV
SES Project Director, Standardization and Non-Power Reactor Project Directorate
SES Associate Director for Inspection and Technical Assessment

SES Director, Division of Engineering and System Technology

SES Special Assistant, Division of Engineering and System Technology
SES Assistant Director for Engineering
SES Chief, Materials Engineering Branch
SES Chief, Mechanical Engineering Branch
SES Chief, Structural and Geosciences Branch
SES Chief, Chemical Engineering Branch
SES Assistant Director for Systems
SES Chief, Instrumentation and Control Systems Branch
SES Chief, Electrical Systems Branch
SES Chief, Plant Systems Branch
SES Chief, Reactor Systems Branch
SES Director, Division of Operational Events Assessment
SES Chief, Events Assessment Branch
SES Chief, Generic Communications Branch
SES Chief, Technical Specifications Branch
SES Director, Division of Reactor Inspection and Safeguards
SES Deputy Director, Division of Reactor Inspection and Safeguards
STS Senior Program Coordinator
STS* Special Technical Assistant
SES Chief, Vendor Inspection Branch
SES Chief, Safeguards Branch
SES Chief, Special Inspections Branch
SES Director, Division of Radiation Protection and Emergency Preparedness
SES Chief, Emergency Preparedness Branch
SES Chief, Risk Applications Branch
SES Chief, Radiation Protection Branch
SES Director, Division of Licensee Performance and Quality Evaluation
SES Deputy Director, Division of Licensee Performance and Quality Evaluation
SES Chief, Performance and Quality Evaluation Branch
SES Chief, Human Factors Assessment Branch
SES Chief, Operator Licensing Branch
SES Associate Director for Special Projects
SES* Special Assistant to Associate Director
SES Director, TVA Projects Division
SES Director, Comanche Peak Project Division
SES Deputy Director, Comanche Peak Project Division
SES A/D for Comanche Peak Inspection Programs

Office of Nuclear Regulatory Research

SES Director, Nuclear Regulatory Research
SES Deputy Director for Research
SES Deputy Director for Generic Issue Resolution
SES Director, Division of Engineering
SES Deputy Director, Division of Engineering
SES Chief, Materials Engineering Branch
SES Chief, Electrical and Mechanical Engineering Branch
SES Chief, Structural and Seismic Engineering Branch
SES Chief, Waste Management Branch
SES Director, Division of Regulatory Applications
SES Deputy Director, Division of Regulatory Applications
SES Chief, Regulatory Development Branch

SES Chief, Radiation Protection and Health Effects Branch
 SES Chief, Advanced Reactors and Generic Issues Branch
 SES Dir., Div. of Safety Issue Resolution
 SES Deputy Director, Division of Safety Issue Resolution
 SES Special Assistant for Safety Issue Resolution
 SES Chief, Engineering Issues Branch
 SES Chief, Severe Accident Issues Branch
 SES Chief, Reactor and Plant Safety Issues Branch
 SES Dir., Div. of Systems Research
 SES Deputy Director, Division of Systems Research
 SES Special Assistant
 SES Chief, Reactor and Plant Systems Branch
 SES Chief, Human Factors Branch
 SES Chief, Probabilistic Risk Analysis Branch
 SES Chief, Accident Evaluation Branch

Office of Nuclear Material Safety and Safeguards

SES Director, NMSS
 SES Deputy Director, NMSS
 SES Director, Program Management, Policy Development and Analysis Staff
 SES Director, Special Issues Group
 SES Assistant Director, Special Issues Group
 SES Director, Division of Safeguards and Transportation
 SES Deputy Director, Division of Safeguards and Transportation
 SES* Chief, Domestic Safeguards and Regional Oversight Branch
 SES* Chief, International Safeguards Branch
 SES Chief, Transportation Branch
 SES Director, Division of Industrial and Medical Nuclear Safety
 SES Deputy Director, Division of Industrial and Medical Nuclear Safety
 SES Chief, Operations Branch
 SES Chief, Medical, Academic, and Commercial Use Safety Branch
 SES Chief, Fuel Cycle Safety Branch
 SES Director, Division of High-Level Waste Management
 SES Deputy Director, Division of High-Level Waste Management
 SES* Chief, Engineering and CNWRA Branch
 SES* Project Director, Repository Licensing and Quality Assurance Project Directorate
 SES* Chief, Geosciences and Systems Performance Branch
 SES Director, Division of LLW Management and Decommissioning
 SES Deputy Director, Division of LLW Management and Decommissioning
 SES Chief, Operations Branch
 SES Chief, Technical Branch
 SES Chief, Regulatory Branch

Regional Offices

SES Regional Administrator, Region I
 SES Deputy Regional Administrator, Region I
 SES Director, Division of Reactor Projects, Region I
 SES Deputy Director, Division of Reactor Projects, Region I

SES Director, Division of Reactor Safety, Region I
 SES Deputy Director, Division of Reactor Safety, Region I
 SES Director, Division of Radiation Safety and Safeguards, Region I
 SES Regional Administrator, Region II
 SES Deputy Regional Administrator, Region II
 SES Director, Division of Radiation Safety and Safeguards, Region II
 SES Director, Division of Reactor Safety, Region II
 SES Deputy Director, Division of Reactor Safety, Region II
 SES Director, Division of Reactor Projects, Region II
 SES Deputy Director, Division of Reactor Projects, Region II
 SES Regional Administrator, Region III
 SES Deputy Regional Administrator, Region III
 SES Director, Division of Reactor Projects, Region III
 SES Deputy Director, Division of Reactor Projects, Region III
 SES Director, Division of Radiation Safety and Safeguards, Region III
 SES Director, Division of Reactor Safety, Region III
 SES Deputy Director, Division of Reactor Safety, Region III
 SES Regional Administrator, Region IV
 SES Director, Division of Radiation Safety and Safeguards, Region IV
 SES Deputy Director, Division of Radiation Safety and Safeguards, Region IV
 SES Director, Uranium Recovery Field Office, Region IV
 SES Deputy Regional Administrator, Region IV
 SES Director, Division of Reactor Projects, Region IV
 SES Deputy Director, Division of Reactor Projects, Region IV
 SES Director, Division of Reactor Safety, Region IV
 SES Regional Administrator, Region V
 SES Deputy Regional Administrator, Region V
 SES Director, Division of Reactor Safety and Projects, Region V
 SES Deputy Director, Division of Reactor Safety and Projects, Region V
 SES Director, Division of Radiation Safety and Safeguards, Region V

Office for Analysis and Evaluation of Operational Data

SES Director, Office for Analysis and Evaluation of Operational Data
 SES Deputy Director, Office for Analysis and Evaluation of Operational Data
 SES Director, Division of Operational Assessment
 SES Chief, Diagnostic Evaluation and Incident Investigation Branch
 SES Chief, Incident Response Branch
 SES Director, NRC Technical Training Center
 SES Director, Division of Safety Programs
 SES Chief, Trends and Patterns Analysis Branch
 SES Chief, Reactor Operations Analysis Branch

Office of Small and Disadvantaged Business Utilization and Civil Rights

SES Director, Office of Small and Disadvantaged Business Utilization and Civil Rights

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
 SES General Counsel

AGENCY: OFFICE OF GOVERNMENT ETHICS

Positions:

SES Deputy Director
 SES General Counsel
 SES* Deputy General Counsel

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:

SES Counselor to the Director, Office of the Director
 SES Chief of Staff, Office of the Director
 SES* Policy Advisor to the Director, Office of the Director
 SES* Communications Advisor to the Director, Office of the Director
 SES Associate Deputy Director for Planning and Budget, Office of the Deputy Director
 SES* Director, Federal Quality Institute
 SES* Director, Office of Combined Federal Campaign Operations
 SES Director, Federal Executive Institute
 SES* Assistant Director for Special Projects, Federal Executive Institute
 SES Regional Director, Atlanta Region
 SES Regional Director, Chicago Region
 SES Regional Director, Dallas Region
 SES Regional Director, Philadelphia Region
 SES Regional Director, San Francisco Region
 SES Director, Office of Congressional Relations
 SES* Deputy Director, Office of Congressional Relations
 SES Director, Office of Executive Administration
 SES Director, Office of Executive Personnel
 SES General Counsel, Office of the General Counsel
 SES Deputy General Counsel, Office of the General Counsel
 SES Associate General Counsel, Office of the General Counsel
 SES Principal Assistant General Counsel, Office of the General Counsel
 SES Director, Office of International Affairs
 SES Director, Office of Public Affairs
 SES* Principal Deputy Director, Office of Public Affairs
 SES Chairman, Federal Prevailing Rate Advisory Committee
 SES Associate Director for Administration, Administration Group
 SES Deputy Associate Director for Administration, Administration Group
 SES Assistant Director for Personnel and EEO, Administration Group
 SES Assistant Director for Finance and Administrative Services, Administration Group

SES Assistant Director for Information Management, Administration Group

SES Executive for ADP Operations, Administration Group

SES Associate Director for Career Entry and Employee Development, Career Entry and Employee Development Group

SES Deputy Associate Director for Career Entry, Career Entry and Employee Development Group

SES Assistant Director for Staffing Policy and Operations, Career Entry and Employee Development Group

SES Assistant Director for Personnel Research and Development, Career Entry and Employee Development Group

SES Director, Staffing Service Center, Career Entry and Employee Development Group

SES Assistant Director for Affirmative Recruiting and Employment, Career Entry and Employee Development Group

SES Assistant Director for Employee and Executive Development, Career Entry and Employee Development Group

SES Assistant Director for Administrative Law Judges, Career Entry and Employee Development Group

SES Associate Director for Personnel Systems and Oversight, Personnel Systems and Oversight Group

SES Deputy Associate Director for Personnel Systems and Oversight Group

SES Assistant Director for Pay and Performance, Personnel Systems and Oversight Group

SES Assistant Director for Employee and Labor Relations, Personnel Systems and Oversight Group

SES Assistant Director for Agency Compliance and Evaluation, Personnel Systems and Oversight Group

SES Assistant Director for Classification, Personnel Systems and Oversight Group

SES Assistant Director for Systems Innovation and Simplification, Personnel Systems and Oversight Group

SES Associate Director for Retirement and Insurance, Retirement and Insurance Group

SES Deputy Associate Director for Retirement and Insurance, Retirement and Insurance Group

SES Director, Office of Actuaries, Retirement and Insurance Group

SES Assistant Director for Insurance Programs, Retirement and Insurance Group

SES Assistant Director for Retirement Programs, Retirement and Insurance Group

SES Assistant Director for Financial Control and Management, Retirement and Insurance Group

SES Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group

SES Associate Director for Investigations, Investigations Group

SES Deputy Associate Director for Investigations, Investigations Group

SES Assistant Director for Federal Investigations, Investigations Group

SES Director, Washington Area Service Center

SES Deputy Director, Washington Area Service Center

SES Assistant Director for Washington Examining Services, Washington Area Service Center

SES Assistant Director for Washington Training and Development Services, Washington Area Service Center

President's Commission on Executive Exchange

GS-17 Executive Director

AGENCY: OFFICE OF SPECIAL COUNSEL

Positions:

SES Deputy Special Counsel

SES Associate Special Counsel for Investigation

SES Associate Special Counsel for Prosecution

SES Director of Operations Management

SES* Deputy Associate Special Counsel for Prosecution

AGENCY: OVERSEAS PRIVATE INVESTMENT CORPORATION

Positions: No Section 207(d)(1)(c) Designations

AGENCY: PANAMA CANAL COMMISSION

Positions:

DA Deputy Administrator

AGENCY: PEACE CORPS

Positions:

FE-2 General Counsel, Peace Corps

FE-2 Associate Director, International Operations, Peace Corps

FE-2 Chief of Staff, Peace Corps

FE-2 Associate Director, Volunteer Recruitment and Selection, Peace Corps

FE-2 Associate Director, Management, Peace Corps

AGENCY: PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Positions:

AD Executive Director of the Corporation

AD Assistant Director—Legal

AD Assistant Director—Development

AD All Members of the Board of Directors (23)

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:

GS-17 Principal Deputy Executive Director

GS-17 General Counsel

GS-17 Director, Insurance Operations Department

GS-17 Deputy Executive Director for Management and Operations

AGENCY: POSTAL RATE COMMISSION

Positions:

AD-18 General Counsel of the Commission

AD-18 Director of the Office of Technical Analysis and Planning

AD-18 Director of Office of Consumer Advocate

AGENCY: RAILROAD RETIREMENT BOARD

Positions:

SES Director of Legal and Administrative Services/General Counsel

SES Director of Program Analysis

SES Director of Field Service

SES Director of Retirement Claims

SES Director of Unemployment and Sickness Insurance

SES Chief Actuary

SES Director of Data Processing

SES Chief Financial Officer

SES Assistant Inspector General for Auditing

SES Chief Executive Officer

SES Assistant Inspector General for Investigations

SES Deputy General Counsel

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:

SES General Counsel

SES Director, Division of Corporation Finance

SES Deputy Director, Division of Corporation Finance

SES Director, Division of Enforcement

SES Director, Division of Investment Management

SES Director, Division of Market Regulation

SES Chief Accountant of the Commission

SES Deputy Chief Accountant

SES Executive Director

SES Regional Administrator, New York

SES* Deputy Regional Administrator, New York

SES Regional Administrator, Chicago

SES* Deputy Regional Administrator, Chicago

SES Regional Administrator, Los Angeles

AGENCY: SELECTIVE SERVICE SYSTEM

Positions:

SES Deputy Director of the Agency

SES Associate Director, Information Management

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:

SES Deputy Administrator

SES Regional Administrator, Region I

SES Regional Administrator, Region II

SES Regional Administrator, Region III

SES Regional Administrator, Region IV

SES Regional Administrator, Region V

SES Regional Administrator, Region VI

SES Regional Administrator, Region VII

SES Regional Administrator, Region VIII

SES Regional Administrator, Region IX

SES Regional Administrator, Region X

SES General Counsel

SES Associate Administrator for Business Development

SES Associate Administrator for Finance and Investment

SES Associate Administrator for Minority Small Business and Capital Ownership Development

SES Associate Administrator for Procurement Assistance

SES Associate Deputy Administrator for Management and Administration

SES Associate Deputy Administrator for Special Programs

SES Assistant Administrator for Administration

SES Deputy Inspector General and Counsel to the Inspector General
 SES* Assistant Administrator for Innovation, Research and Technology
 SES Assistant Inspector General for Audits
 SES Assistant Inspector General for Investigations
 SES Director, Equal Employment Opportunity and Compliance
 SES Director of Personnel
 SES Director of Program Analysis and Review
 SES Comptroller
 SES* Chief of Staff
 SES* Director of Prime Contracts
 SES* Director of Procurement and Liaison
 SES* Special Assistant to the Associate Administrator for Finance and Investment

AGENCY: TENNESSEE VALLEY AUTHORITY

Positions:

VP Executive Vice President and Chief Operating Officer
 VP Inspector General
 VP Vice President and General Counsel
 VP Vice President, Human Resources
 VP Vice President, Governmental & Public Affairs
 VP Vice President and Chief Financial Officer
 VP* Vice President, Corporate Strategy & Operations Planning
 VP* Vice President, Information Services
 VP Vice President, Services
 VP Senior Vice President, Nuclear Power
 VP* Vice President, Nuclear Power Production
 VP* Vice President, Nuclear Engineering
 VP* Vice President, Nuclear Assurance and Services
 VP* Vice President and Nuclear Technical Director
 VP* Vice President, Nuclear Business Operations
 VP* Vice President, New Projects
 VP Senior Vice President, Power
 VP* Vice President, Power Production
 VP* Vice President, Transmission & Customer Services
 VP Vice President, Power Engineering & Construction
 VP* Vice President, Business Operations (Power)
 VP Senior Vice President, Resource Development
 VP* Vice President, Business Operations (Resource Development)
 VP* Vice President, National Fertilizer Development Center
 VP* Vice President, River Basin Operations

AGENCY: UNITED STATES ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Positions: No Section 207(d)(1)(C) Designations

AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:

SES Counselor
 G-7/0-8 Senior Military Adviser, D
 SFS U.S. Representative to CD

SES Administrative Director
 SES General Counsel
 SFS Director, Office of Public Affairs
 SES Deputy Assistant Director, SP
 SES Deputy Assistant Director, NWC
 SES Director, Office of Congressional Affairs
 SES* Senior Policy Advisor
 SES* Principal Deputy, OSIA

AGENCY: UNITED STATES INFORMATION AGENCY

Positions:

SES Director, Private Sector Committees
 SFS Executive Assistant to the Director
 SFS Executive Assistant to the Deputy Director
 SES Senior Advisor to the Director
 SES Assistant Director (Congressional Liaison)
 SFS* Executive Assistant
 SES Director, Office of Public Liaison
 SFS Counselor
 SES General Counsel
 SES Deputy General Counsel

Office of Inspector General

SES Assistant Inspector General for Inspections
 SES Assistant Inspector General for Audits

The Bureau of Educational and Cultural Affairs

SFS Deputy Associate Director
 SFS Director, Office of Cultural Centers and Resources
 SFS Deputy Office Director (Cultural Centers)
 SES Director, Office of Academic Programs
 SFS Deputy Director, Office of Academic Programs
 SES Director, Office of International Visitors
 SFS* Director, International Youth Exchange Staff
 SFS* Director, Office of Arts America
 SFS Deputy Director, Office of International Visitors
 SES Director, Office of Private Sector Programs
 SFS Deputy Director, Office of Private Sector Programs
 SES Executive Officer

The Voice of America

SFS Deputy Director
 SES Director, Office of Programs
 SES Deputy Director, Office of Programs
 SES Director, Office of Administration
 SES Director for News and English Broadcasts
 SES Director of Engineering and Technical Operations
 SES Director, Office of Personnel
 SES Director, Radio Marti
 SES Director of Broadcast Operations
 SES Director of Policy
 SES Director, VOA Europe

The Bureau of Management

SFS Deputy Associate Director
 SES* Director, Office of Technology
 GS-17* Director, Office for Administration
 SES* Deputy Director, Office for Administration
 SES Director, Office of Comptroller Services

SES Director, Office of Personnel
 SFS Director, Office of Equal Employment Opportunity and Civil Rights
 SES Director, Office of Contracts
 SES Director, Office of Security

Office of Research

SES* Director, Office of Research
 SFS* Deputy Director, Office of Research

The Bureau of Programs

SES Director of Exhibits Service
 SFS Director of Press and Publication Services
 SFS* Deputy Director, Press and Publication Services
 SES Deputy Associate Director
 SFS* Chief, Fast Guidance
 SES Executive Officer
 SFS* Chief, Media Reaction
 SES Director, Office of Program Coordination and Development
 SFS* Deputy Director, Office of Program Coordination and Development
 SFS Director, Foreign Press Centers
 SFS* Chief Policy Guidance
 SFS Deputy Chief Policy Guidance

Television and Film Service

SES Director of Television and Film Service
 SES* Director, Office of Management and Program Services
 SES Deputy Director, Television and Film Service
 SES* Worldnet Production Manager
 SES* Mopix TV Facilities Manager
 SFS* Mopix TV Planning Manager

Area Offices

SFS Director of African Affairs
 SFS Deputy Director, African Affairs
 SFS Director of European Affairs
 SFS Deputy Director of European Affairs (2)
 SFS Director of East Asian and Pacific Affairs
 SFS Deputy Director of East Asian and Pacific Affairs
 SFS Director of American Republics Affairs
 SFS Deputy Director of American Republics Affairs
 SFS Director of North African, Near Eastern and South Asian Affairs
 SFS Deputy Director of North African and Near Eastern and South Asian Affairs
 SFS Public Affairs Officer of Class A Posts (26)

AGENCY: U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Positions:

Agency for International Development

Office of the Administrator

SES Counselor to the Agency

Office of the General Counsel (GC)

SES General Counsel
 SES Deputy General Counsel

Office of Legislative Affairs (LEG)

SES Director
 SES* Deputy Director

Bureau of External Affairs (XA)

SES Deputy Assistant Administrator (PML)

Office of U.S. Foreign Disaster Assistance (OFDA)

SES Coordinator, Foreign Disaster Relief

Office of International Training (OIT)

SES* Director

Bureau of Management**Office of the Assistant to the Administrator for Management (AA/M)**

SES Assistant to the Administrator for Management

SES Deputy Assistant to the Administrator for Management

Bureau for Personnel and Financial Management (PFM)**Office of the Assistant to the Administrator for Personnel and Financial Management (AA/PFM)**

SFS* Assistant to the Administrator for Personnel and Financial Management

Office of Personnel Management (PFM/PM)

SES Director

Office of Financial Management (PFM/FM)

SES Controller

Directorate for Program and Management Services (M/SER)**Office of the Associate Assistant to the Administrator**

SES Associate Assistant to the Administrator for Management (M/AAA/SER)

Office of Information Resources Management (M/SER/IRM)

SES Director

Office of Management Operations (M/SER/MO)

SES Director

Office of Procurement (M/SER/OP)

SFS Director

Executive Office of Management Support (M/SER/MS)**Office of the Director**

SFS Director

Office of Equal Opportunity Programs (EOP)

SES Director

Bureau for Food for Peace and Voluntary Assistance (FVA)**Office of the Assistant Administrator (AA/FVA)**

SFS Deputy Assistant Administrator

Office of Program, Policy and Management (PPM)

SFS Director, Program Policy and Evaluation

Office of Private and Voluntary Cooperation (PVC)

SES Director, Private and Voluntary Cooperation

Office of Food for Peace (FFP)

SFS Coordinator, Food for Peace

Office of the Inspector General (IG)

SES Inspector General

SES Deputy Inspector General

Office of Investigations (IG/I)

SES Assistant Inspector General for Investigations

Office of Security (IG/SEC)

SES Assistant Inspector General for Security

Bureau for Private Enterprise (PRE)**Office of the Assistant Administrator (AA/PRE)**

SFS Deputy Assistant Administrator (2)

Office of Housing and Urban Programs (H)

SES Director

Bureau for Program and Policy Coordination (PPC)**Office of the Assistant Administrator (AA/PPC)**

SFS Deputy Assistant Administrator

SFS Deputy Assistant Administrator

Office of Planning and Budgeting (PPC/PB)

SFS Associate Assistant Administrator

Office of Economic Affairs (PPC/EA)

SFS Associate Assistant Administrator

Center for Development Information and Evaluation (PPC/CDIE)

SFS Associate Assistant Administrator

Office of Donor Coordination (PPC/DC)

SES Director

SFS* Development Coordination Officer

Office of Women in Development (PPC/WID)

SES* Director

Office of International Development (State) (PPC/DS)

SES* Director

Bureau for Science and Technology (S&T)**Office of the Senior Assistant Administrator**

SES Deputy Assistant Administrator for Research

SFS Deputy Assistant Administrator for Technical Cooperation

Office of Program (ST/PO)

SFS Director

Agency Directorate for Food and Agriculture (ST/FA)

SES Agency Director for Food and Agriculture

Office of Agriculture (ST/AGR)

SES Director

Office of Nutrition (ST/N)

SES Director

Agency Directorate for Energy and Natural Resources (ST/EN)

SES Agency Director for Energy and Natural Resources

Office of Forestry, Environment and Natural Resources (ST/FNR)

SES Director

Office of Energy (ST/EY)

SES Director

Agency Directorate for Human Resources (ST/HR)

SES Agency Director for Human Resources

Office of Rural and Institutional Development (ST/RD)

SFS Director

Office of Education (ST/ED)

SES Director

Agency Directorate for Health (ST/H)

SES Agency Director for Health

Agency Directorate for Population (ST/POP)

SES Agency Director for Population

Bureau for Africa (AFR)**Office of the Administrator (AA/AFR)**

SFS Deputy Assistant Administrator

SFS Deputy Assistant Administrator

Office of Development Planning (AFR/DP)

SFS Director

Office of Technical Resources (AFR/TR)

SFS Director

Office of Project Development (AFR/PD)

SFS Director

Office of Eastern Africa Affairs (AFR/EA)

SFS Director

Office of Central and Coastal and West African Affairs (AFR/CCWA)

SFS Director

Office of Sahel and West Africa Affairs (AFR/SWA)

SFS Director

Office of Southern Africa Affairs (AFR/SA)

SFS Director

Bureau for Asia and Near East (ANE)**Office of the Assistant Administrator (AA/ANE)**

SFS Deputy Assistant Administrator (2)

Coordinator for Afghan Resettlement and Reconstruction (ANE/AF)

SFS* Director

Office of Development Planning (ANE/DP)

SFS Director

Office of Project Development (ANE/PD)

SFS Director

Office of South Asian Affairs (ANE/SA)

SFS Director

Office of Egypt and European Affairs (ANE/NE/EE)

SFS Director

Office of East Asian Affairs (ANE/EA)

SFS Director

Bureau for Latin American and Caribbean (AA/LAC)**Office of the Assistant Administrator (AA/LAC)**

SFS Deputy Assistant Administrator

Office of Development Programs (LAC/DP)

SFS Director

Office of Development Resources (LAC/DR)

SFS Director

Office of South American and Mexican Affairs (LAC/SAM)

SFS Director

Office of Caribbean Affairs (LAC/CAR)

SFS Director

Office of Central American and Panamanian Affairs (LAC/CAP)

SFS Director

Missions**Africa**

SFS Director, Botswana

SFS Director, Burkina Faso

SFS AID Representative, Burundi

SFS Director, Cameroon

SFS AID Representative, Cape Verde

SFS AID Representative, Chad

SFS AID Representative, Ethiopia

SFS AID Representative, Gambia

SFS AID Representative, Ghana

SFS Director, Guinea

SFS AID Representative, Guinea Bissau

SFS Director, Kenya

SFS Deputy Mission Director, Liberia

SFS Director, Lesotho

SFS Director, Madagascar

SFS Director, Malawi

SFS Director, Mali

SFS AID Representative, Mauritania

SFS Director, Mozambique

SFS Director, Niger

SFS Director, Rwanda

SFS Director, Senegal

SFS Director, Somalia

SFS Director, Republic of South Africa

SFS Director, Sudan

SFS Director, Swaziland

SFS Director, Tanzania

SFS AID Representative, Togo

SFS Director, Uganda

SFS Director, Zambia

SFS Director, Zimbabwe

SFS Deputy Mission Director, Zaire

SFS Director, Regional Economic

Development Services Office, West Africa

SFS Director, Regional Economic

Development Services Office, East Africa

Missions**Asia/Near East**

SFS AID Representative, Afghanistan

SFS* Deputy AID Representative, Afghanistan

SFS Deputy Mission Director, Bangladesh

SFS AID Representative, Burma

SFS* AID Representative, ASEAN

Egypt

SFS Deputy Mission Director

SFS* Associate Mission Director, Office of the Director

SFS Associate Mission Director, Office of Legal Advisor

SFS Associate Mission Director, Office of Financial Management

SFS Associate Mission Director, Program Development and Support

SFS Associate Mission Director for Industry and Support

SFS Associate Mission Director for Development Resources

SFS Associate Mission Director for Agriculture

SFS Associate Mission Director for Human Resources and Development Cooperation (HRDC)

Other Missions

SFS Deputy Mission Director, India

SFS Deputy Mission Director, Indonesia

SFS AID Representative, Lebanon

SFS Director, Morocco

SFS Director, Nepal

SFS AID Representative, Oman

SFS Deputy Mission Director, Pakistan

SFS Deputy Mission Director, Philippines

SFS Director, Sri Lanka

SFS Director, Thailand

SFS Director, Tunisia

SFS Director, Yemen

SFS Director, South Pacific

Missions**Latin America and the Caribbean**

SFS* AID Representative, Belize

SFS Director, Bolivia

SFS AID Representative, Brazil

SFS* AID Representative, Chile

SFS AID Representative, Colombia

SFS Director, Regional Development Office, Caribbean

SFS Director, Costa Rica

SFS Deputy Mission Director, Dominican Republic

SFS Director, Ecuador

SFS Director, El Salvador

SFS Director, Guatemala

SFS Director, Regional Office for Central

American Programs (ROCAP)

SFS Director, Haiti

SFS Director, Honduras

SFS Director, Jamaica

SFS AID Representative, Mexico

SFS Deputy Mission Director, Peru

SFS AID Representative, Uruguay

Trade and Development Program (TDP)

SFS Director

AGENCY: U.S. POSTAL SERVICE**Positions:**

AD-17 Associate Judicial Officer

AD Field Division General Manager/Postmaster (Division 1)

AD Office Director, Headquarters, Rates and Cost

AD Office Director, Headquarters, Classification and Rates Administration

AD Office Director, Headquarters, Accounting

AD Office Director, Headquarters, Transportation and International Services

AD Office Director, Headquarters, Maintenance Management

AD Office Director, Headquarters, Operational Requirements

AD Office Director, Headquarters, Real Estate

AD Office Director, Headquarters, Facilities Planning and Management

AD Office Director, Headquarters, Procurement

AD Office Director, Headquarters, Design and Construction

AD Office Director, Headquarters, Stamps and Philatelic Marketing

AD Office Director, Headquarters, Product Marketing

AD Office Director, Headquarters, Market Research Management

AD Office Director, Headquarters, Field Marketing

AD Office Director, Headquarters, Operation Research and Systems Requirements

AD Office Director, Headquarters, Data Processing

AD Office Director, Headquarters, Communications and Technology

AD Office Director, Headquarters, Systems Development

AD Office Director, Headquarters, Contract Administration

AD Office Director, Headquarters, Collective Bargaining

AD Office Director, Headquarters, Training and Development

AD Office Director, Headquarters, Safety and Health

AD Office Director, Headquarters, Selection and Evaluation

AD Office Director, Headquarters, Organizational Requirements

AD Associate General Counsel

AD Regional Director, Marketing and Communications

AD Regional Director, Human Resources

AD Regional Director, Finance

AD Regional Director, Operations Support

AD Director, Facilities Service Center

AD Executive Director, Engineering Support Center

AD Executive Director, Office of Equal Employment Opportunity

AD Executive Director, Office of Employee Involvement/Quality of Work Life

AD Assistant Chief Inspector

AD Regional Chief Postal Inspector

AD Project Director, Automation Integration

AD* Office Director, Headquarters, Distribution Operations and Networks

AD* Office Director, Headquarters, Delivery and Retail Management

AD* Office Director, Headquarters, Operations Planning

AD* Office Director, Headquarters, Operations Performance

AD* Office Director, Headquarters, Operations Methods, Systems and Quality

AD* Office Director, Headquarters, Capital Investment and Financial Analysis

AD* Office Director, Headquarters, Materiel Management

AD* Executive Advisor, Special Project Department

AGENCY: UNITED STATES SOLDIERS' AND AIRMEN'S HOME**Positions:** No Section 207(d)(1)(C)

Designations.

[FR Doc. 90-2301 Filed 2-6-90; 8:45 am]

BILLING CODE 5345-01-M

Registered Federal Reporter

Wednesday
February 7, 1990

Part III

Department of Agriculture

Food and Nutrition Service

7 CFR Part 277

**Food Stamp Program: Automated Data
Processing Equipment and Services:
Conditions for Federal Financial
Participation; Final Rule**

DEPARTMENT OF AGRICULTURE**Food and Nutrition Service****7 CFR Part 277**

[Amdt. No. 319]

Food Stamp Program: Automated Data Processing Equipment and Services: Conditions for Federal Financial Participation**AGENCY:** Food and Nutrition Service, USDA.**ACTION:** Final rule.

SUMMARY: This action amends the Food Stamp Program (FSP) regulations by changing the requirements and conditions under which State and local governments may request and claim Federal funds for the costs associated with the planning, design, development, acquisition or installation of automated data processing (ADP) equipment and services in FSP administration. These changes are being implemented by the Food and Nutrition Service (FNS) and, in a separate publication, by the Department of Health and Human Services (HHS), to streamline the procedures for submission, review and approval of Advance Planning Documents, and to promote consistency among Federal agencies in policies and procedures relating to the acquisition and use of ADP equipment in public assistance programs.

Proposed regulations were published in the *Federal Register* of August 8, 1988 at 53 FR 29858. Comments on the proposal were solicited through October 7, 1988. This final action takes the comments received into account. Readers are referred to the proposed regulation for a more complete understanding of this final action.

DATES: This rule is effective May 8, 1990. The provisions apply to all on-going and new acquisitions of automated data processing equipment or services. Advance Planning Documents for ongoing acquisitions that have been approved under the existing rule are deemed approved under this rule. The reporting provisions of this rule, to the extent that they have not been satisfied under the existing rule or are precluded by the passage of project events, apply to on-going projects. For new acquisitions, all provisions of this rule apply. If States are uncertain as to how these provisions apply to their ADP acquisitions, they should contact the Department for clarification.

FOR FURTHER INFORMATION CONTACT: Abigail C. Nichols, Director, Program Accountability Division, FNS, USDA,

3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756-3414.

SUPPLEMENTARY INFORMATION:**Executive Order 12291**

The Department has reviewed this action under Executive Order 12291 and Secretary's Memorandum No. 1512-1. The rule will affect the economy by less than \$100 million a year. The action will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States enterprises to compete with foreign-based enterprise in domestic or export markets. Therefore, the Department has classified this action as "not major".

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.561. For the reasons set forth in the final rule and related notice to 7 CFR part 3015, subpart V (48 FR 29115), this Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). George A. Braley, Acting Administrator of the Food and Nutrition Service (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities. The changes will affect State and local agencies which administer the Food Stamp Program. This action is principally directed toward the development of Statewide ADP systems. It is anticipated that Federal funding would be requested for only a small number of county or local government systems under the provisions of this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection requirements that are included in this final rule in 7 CFR 277.18 (c), (d) and (e) have been approved by the Office of Management and Budget (OMB) under OMB Approval No. 0584-0083, as codified in the Code of Federal Regulations at 7 CFR 271.8. Public reporting burden for this collection of information is estimated to average 15 hours per response, including the time for reviewing instructions,

searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Ms. Nichols at the above address, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Background

In August 1985, an Interdepartmental Task Force was established consisting of representatives from FNS and HHS. The principal objectives of the Interdepartmental Task Force were to:

1. Streamline the Advance Planning Document (APD) review and approval process to eliminate redundant Federal and State reviews;
2. Enhance State planning for developmental projects;
3. Improve project development continuity;
4. Allow for a more comprehensive Federal review and more timely response to APD's;
5. Standardize procedures and requirements among participating Federal agencies; and
6. Enhance the cooperative partnership between State and Federal agencies to achieve ADP and management information system applications that advance the efficiency and effectiveness of State administration of Federal programs.

The principal changes recommended by the Task Force involved the procedures and conditions under which States may request and receive funding for ADP developmental projects through the submission, review and approval of APD's and other related documents. As a result, the Department published a proposed rule on August 8, 1988 (53 FR 29858), which set forth revised requirements for review and approval of State agency acquisitions of ADP equipment and services. A similar proposed rule was published by HHS on September 21, 1987 (52 FR 35454). This final rule incorporates revisions to the August 8, 1988 proposed rule that are based on the public comments received, and on the efforts of both Departments to promote consistency and standardization, whenever possible, among Federal requirements.

Eighteen letters were received which addressed the provisions of the proposed rule. The major concerns raised by the commenters are discussed below. Comments which are not

relevant to the final rulemaking, or which address issues not related to the rulemaking process, are not discussed below. An explanation of the rationale of the rule is contained in the preamble of the proposed rule. For a full understanding of the provisions of this final rule, the reader should refer to the preamble of the proposed rule.

Significant Changes in APD Process

Increased APD Prior Approval Cost Thresholds—§ 277.18(c)

The proposed rule included a provision at § 277.18(c) to increase the Federal prior approval cost thresholds for ADP development projects to be funded at the 50 percent matching rate from \$100,000 to \$200,000 in total Federal and State costs over any 12-month period, and from \$200,000 to \$300,000 for total acquisition costs. The revised cost thresholds were intended to permit State agencies to implement smaller systems or system changes more quickly, reduce the number of small acquisitions requiring Federal prior approval, reduce paperwork burden, and make FSP prior approval cost thresholds consistent with those of HHS agencies.

Eleven comments were received which recommended further increases in the prior approval thresholds, to allow more flexibility for State agencies in small acquisitions. The Department accepts the commenters' rationale and is adopting these comments by raising the threshold for acquisitions to be funded at the regular Federal financial participation (FFP) rate to \$500,000 in total project costs.

Three of the comments which recommended implementing similar thresholds for projects to be funded at the enhanced FFP rate are not being adopted in this rule. Entitlement to the enhanced funding rate must be authorized by FNS, based on the fulfillment of the conditions established by the Secretary in accordance with the Food Stamp Act, as amended. In addition, since enhanced funding is only available for complete certification and/or issuance systems which comply with the functional standards required by § 272.10(b), it is unlikely that any ADP acquisition under the \$500,000 threshold would meet the conditions for enhanced funding. Therefore, the Department continues to require the prior approval of all ADP acquisitions for which enhanced funding is requested.

One commenter suggested a further increase in the prior approval threshold for non-competitive procurements. The Department does not agree that the threshold for projects funded at the regular FFP rate should be increased

from the \$100,000 level proposed previously. The Department believes that the \$100,000 threshold will provide the State agency with adequate flexibility to proceed with small acquisitions within an approved APD. However, the Department will continue to require prior approval of noncompetitive procurements which exceed this threshold, or which involve enhanced funding.

One commenter also pointed out that the significance of raising the non-competitive threshold was obviated by the existing provisions of § 277.14(b) (1) and (2), which require prior approval of all contracts for non-competitive procurements over \$10,000. Therefore, § 277.18(j)(1) is being revised in this rule to clarify that the provisions of § 277.14(b) (1) and (2) do not apply to ADP acquisitions approved under these provisions.

Establishment of Two-Phase APD Process—§ 277.18(d)

Most commenters were supportive of the change in the approval procedures, which broke the APD process down into two distinct phases—the Project Planning Phase and the Implementation Phase. To request and obtain FFP for allowable costs of these phases, State agencies are required to submit a Planning APD and an Implementation APD for the prior approval of FNS. The intent of this change is to provide the State agencies with a means to request and receive commitment for up-front Federal funding for the purpose of planning major ADP system acquisitions, before initiating system development.

The Department believes that the concerns expressed by five commenters regarding the two-step process are addressed by the clarifications within this rule. Commenters who believed that two APD's would merely double the paperwork and delays to be expected in this process should note the clarification in the definition of "Planning APD", which emphasizes that this document should be *brief* (i.e., no more than 6–10 pages in length). Several others believed that retroactive approval of planning costs would be appropriate, if an Implementation APD was later submitted and approved, or if a Planning APD was deemed unnecessary based on the size of the project. The Department wishes to emphasize that one of the purposes of separating the Planning APD from the Implementation APD is to ensure the availability of Federal funds for the ADP acquisition, including planning costs, procurement costs and the cost of preparing the more comprehensive Implementation APD.

However, as stated in the preamble to the proposed rule, State agencies could submit an Implementation APD directly, without prior submission or approval of the Planning APD, if the State agency does not wish to receive FFP for project planning activities.

Two other commenters suggested the development of a "fast-track" approval process for situations requiring prompt action, such as ADP acquisitions necessitated by Federal mandates. The Department believes that such situations are adequately accommodated by the emergency approval procedures at § 277.18(h), which are implemented by this final rulemaking.

One commenter requested clarification regarding the purchase of equipment for planning purposes, such as word-processing hardware and software. The preamble of the proposed rule indicated that no significant hardware or software development costs would be eligible for funding in the Project Planning Phase. This does not preclude the State agency from acquiring this type of equipment for planning purposes; such acquisitions should be included in the Planning APD and associated budget.

Reduction in Prior Approval Requirements—§ 277.18(c)

To simplify the APD process, reduce paperwork burden and enhance project development continuity, the Department proposed to substantially reduce the number of documents currently required for the prior approval of FNS. In addition to representing a significant paperwork burden, State agencies have commented that the numerous prior approval decision points have caused disruption and temporary discontinuation of project development schedules and activities, resulting in increased project costs.

Not surprisingly, the State agencies responding to the Department's request for comments were generally very supportive of the reduction in requirements. However, several of those commenting proposed even further reductions in the number of documents for which prior approval is required. Two commenters also recommended that standards be established to clarify the term "when required", in FNS' determination of which documents would require prior approval. Based on this response, the Department has reconsidered the proposed provisions dealing with prior approval of Requests for Proposal (RFP's), contracts and contract amendments.

The revisions increase the thresholds below which prior approval is not

required. It also maintains the flexibility of the Department to exempt additional acquisitions/documents from the prior approval requirements, whenever the situation warrants, thereby reducing workload and paperwork burdens for both the Federal and State agencies. The proposed rule required prior FNS approval of RFP's, contracts and contract amendments whenever required by FNS, except that RFP's or contracts less than \$100,000 for regular FFP or \$50,000 for enhanced FFP did not need to be submitted, if they were an integral part of the approved APD. Contract amendments under \$50,000 for either funding level did not need to be submitted. The final rule exempts all RFP's and contracts of less than \$500,000 for regular funding, or \$100,000 for enhanced funding, from the prior approval requirements. A contract amendment need only be submitted for prior approval if it is for an increase of \$100,000 or more, or for a schedule extension of 60 days or more. All RFP's, contracts and contract amendments which exceed these thresholds must be submitted for prior approval, unless specifically exempted by FNS.

Three commenters suggested that the review and approval of procurement documents be replaced by a blanket review of each State agency's acquisition process. The Department believes that such comprehensive reviews are not feasible at this time; however, due to the increase in the thresholds for document approval, many smaller acquisitions will no longer require review and approval.

Three commenters questioned the provisions requiring FNS approval of the feasibility study for certain ADP projects, and requested clarification as to when this would be required. As discussed in the preamble to the proposed rule, this approval requirement would be applicable only if specified by FNS as a condition for approving the Planning APD, when a systems development project is particularly large or complex, or when a State agency has experienced previous problems in this area. The feasibility study would generally be submitted as part of the Implementation APD, in any case. The Department believes that the advance review and approval of the feasibility study for particularly complex or problematic development projects, would assure the State agency of continuing Federal support for the project approach, while limiting Federal liability if the findings of the study are not approvable.

Two commenters suggested that the APD content and review process be

simplified, but no specific recommendations were included. The Department believes that it has limited the information and approval requirements to those necessary to maintain appropriate control and management of developmental project activities and funding.

APD Update—§ 277.18(e)

The proposed rule required the submission and approval of an APD Update, to be submitted annually as a condition for continued FFP for the ADP development project. However, for projects funded at the regular FFP rate, the APD Update did not need to be submitted unless any of four major project changes occurred.

State agencies could proceed with the change without first obtaining Federal approval, to avoid disruption in project activities. However, Federal approval, no later than at the time of the next Annual APD Update, would be required before FFP for the change could be claimed. In such instances, the State agency would be liable for costs associated with the project change until FNS approval is granted. If the Annual APD Update was subsequently disapproved, FFP would not be allowed for the costs associated with the project change.

This change was proposed for two major reasons. The first was to relieve the State agencies of the requirement to report all changes in an approved APD, and obtain FNS' prior approval before the change could be effected. As State agencies had often pointed out, this requirement sometimes resulted in disruption in project activities and additional project costs, while relatively minor changes were in the prior approval process. The second reason was to allow the State agencies to assume more complete control over and responsibility for their ADP projects, with minimal reporting requirements on a periodic basis or, for projects funded at the regular FFP rate, only when major changes occurred.

Six comments were received which recommended even further reductions in the APD Update requirements. The Department has considered the suggestions offered and agrees that, particularly in the case of projects funded at the regular FFP rate in which fiscal liability is shared with the participating State agency, a need for greater latitude in reporting requirements is indicated. Therefore, the Department has changed the APD Update provisions in this final rule to exempt all ADP acquisitions funded at the regular FFP rate from the annual reporting requirement, if the total project

costs do not exceed \$1 million. This revision results in the elimination of the four major project change definitions and thresholds in the proposed rule. The Department continues to require the APD Update on an annual basis for all projects receiving enhanced FFP, regardless of project cost.

In regard to project changes which occur between Annual APD Updates, the Department continues to support the concept of allowing State agencies to proceed with any actions deemed necessary by project managers, without disruption in project activities, with the understanding that changes must ultimately receive FNS approval. One commenter believed that changes should always be reported at the time they occur, without awaiting the submission of the Annual APD Update. Another commenter believed that most State agencies would not risk disallowance of funding by proceeding with changes without first obtaining FNS approval. In recognition of these comments, the Department wishes to clarify that it was always the intent of these provisions to allow the submission of APD Updates on a more frequent or as needed basis, at the option of the State agency. To highlight this provision, the Department has added language to §§ 277.18(c)(3)(i)(B) and 277.18(e)(3) which clarifies that State agencies may submit an APD Update whenever significant project changes occur. It is recommended that the State agency consider submission of an APD Update whenever any of the following changes occur or are anticipated: A significant increase (\$300,000 or 10 percent, whichever is less) in total project costs; a significant schedule extension (60 days or more) for major milestones; a significant change in procurement approach, and/or scope of procurement activities beyond that approved in the APD; a change in system concept, or a change to the scope of the project; or a change to the approved cost allocation methodology.

Again, Federal approval would still be required before FFP for the change could be claimed, and the State agency would be liable for costs associated with the project change until such approval is granted. If the APD Update was subsequently disapproved, FFP would not be allowed for the costs associated with the project change. One commenter believed that disallowance should only occur from the point in time that the APD Update is disapproved. The Department believes that, since the State agency is assuming the responsibility, at its own option, to proceed with project changes which

deviate from the APD as approved by FNS, it is appropriate that the State agency also assume the liability associated with its determination. FFP for changes which are subsequently approved through the APD Update process, whether submitted annually or at the time the project changes occurs, may be claimed at the time of FNS approval.

Another commenter requested clarification of the term "major task or milestone", in regard to schedule extensions or delays. The Department does not wish to define this term, since project milestones are dependent on the type of project being undertaken (e.g., equipment acquisition, system development project, etc.). However, for purposes of determining when a project extension has occurred, project milestones will be those identified by the State agency in the workplan and schedule submitted with the approved APD.

Two commenters suggested that the definition of "change in concept", as explained within the preamble of the proposed rule, be included in the regulatory language. The explanation in the preamble indicated that significant changes in approved system concept may include: A proposal of a different system alternative; a proposal for a different "mix" of system hardware and software; a change in project plan; a change in the cost/benefits projection; or a change to the approved cost allocation methodology. However, these were included in the preamble as examples, and were not intended to constitute an all-inclusive definition. The Department believes that, because of the variables encompassed by the term "system concept", it is not possible to construct a comprehensive listing of what might be considered a significant change in system concept.

Emergency ADP Acquisitions— § 277.18(h)

The proposed rule outlined procedures for the acquisition of ADP equipment or services for emergency situations, which parallel the emergency acquisition procedures currently in place for HHS agencies at 45 CFR 95.624. The State agency first submits a written request for the emergency acquisition, to which FNS must respond within 14 days. If FNS approves the request, the State agency must submit a formal request for approval, including the information required by § 277.18 (d) *APD Content Requirements*, within 90 days of the original written request. One commenter questioned the two-step process for obtaining approval, and the potential for delays in an emergency situation while

awaiting approval of the formal request. The Department wishes to clarify that, after the State agency has received the written acknowledgment that an emergency situation exists, the State agency may proceed with the acquisition without meeting any additional prior approval requirements, with an assurance of the availability of Federal funds for allowable costs. This section provides for a later submission of the formal request for approval, so that the State can take action as needed to meet the emergency situation, while establishing that the acquisition was otherwise approvable under the normal APD provisions.

System Transfer—§ 277.18(d)

The proposed rule stated that State agencies must include an examination of the transfer or modification of an existing system from a similar State or jurisdiction as a component of all feasibility studies.

Two commenters questioned how to determine the availability of systems for potential transfer, and the degree of analysis required if it is determined that no viable systems are available. As stated in the proposed rule, the Department recognizes that FNS has an important role to play in regard to the analysis of potential system transfers. Current provisions at 7 CFR 272.10(a)(3) (*ADP/CIS Model Plan—Transfers*) state that FNS will assist State agencies that request assistance in determining what other States have systems that should be considered as possible transfers. The Department will also provide such assistance when needed as part of a State agency's Project Planning Phase activities.

Entitlement to 75 Percent FFP Rate— § 277.18(g)

Ten comments were received on the enhanced funding provisions, which were essentially unchanged by the proposed rule. Individuals seeking a clearer understanding of the history and rationale of these provisions should consult the final rulemaking published on June 11, 1982 (47 FR 25496).

One commenter requested a clarification of the phrase "appropriate instructions issued by FNS", in § 277.18(g)(1) of the proposed rule, as it pertained to approval of enhanced funding requests. This change was made to delete the reference to Handbook 151 (*ADP Advance Planning Document Handbook for State Agencies*), previously contained in § 277.18(a). The provisions of the Handbook will be affected by this final rulemaking, and the Department anticipates that the guidance contained therein will be

revised and reissued shortly. The reference to "appropriate instructions" in the proposed rulemaking was intended to cover the reissuance of revised guidance on the preparation and submittal of APD's under these provisions. However, since these guidelines, when issued, will be procedural in nature, the Department agrees that it is unnecessary to incorporate this reference into the regulatory requirements. Therefore, this phrase is being deleted from the final rule.

In order to further clarify the delineation between the developmental and operational phases, for purposes of approving and claiming costs at the 75 percent funding level, a provision was proposed at § 277.18(g)(6) which would limit pilot tests and parallel processing for test purposes to a period not to exceed three months, unless specifically extended by FNS. The Department believed that three months represents an average and adequate period of time for pilot testing in most systems, but comments were specifically requested on this provision, to determine if it was consistent with previous State agency experiences. Two comments were received on this proposal, which essentially stated that a three-month timeframe was arbitrary, and that more flexibility should be built into the provisions to accommodate development projects that varied widely in complexity and scope. The Department agrees with these comments, and has changed the language of § 277.18(g)(6) to state that pilot testing will be limited to the period of time specified in the approved APD, unless an extension is subsequently approved by FNS.

Disallowance of Federal Financial Participation—§ 277.18(o)

Seven comments were received on the provisions of § 277.18(o), Disallowance of Federal Financial Participation (FFP), which provided for the disallowance of FFP if the Department finds that any equipment or services acquisition approved or modified under the provisions of § 277.18(c) fails to substantially comply with the criteria, requirements, and other undertakings described in the approved APD. For the purpose of clarity, the final rule revises this paragraph to delete the word "substantially", and to state that the provisions apply to any *ADP acquisition*, rather than any *system*, as indicated in the proposed rule.

Three of the comments centered on the procedures for the disallowance of funds. The allowability of costs for

Federal funding purposes is defined and discussed in OMB Circulars A-87, "Cost Principles for State and Local Governments", and A-102, "Uniform Requirements for Grants to State and Local Governments". Interested individuals should consult those publications for a fuller understanding of the meaning of the term "disallowance" as used within this rulemaking.

One commenter believed that the disallowance of funds should be tied only to the overall efficiency and effectiveness of the resultant ADP system, rather than to the objectives outlined in the approved APD. The Department disagrees with this comment. Prior approval of APD's under the conditions of these provisions is required by the Department in order to ensure that the projected system warrants the substantial investment of Federal funds, and approval is granted with the understanding that the resultant system will comply with objectives set forth at project initiation. This is particularly critical with systems funded at the enhanced FFP rate, since approval is granted on the basis that the resultant system will fulfill certain mandatory standards and other criteria established for complete certification and or issuance systems.

Three commenters suggested that the rule specifically exclude disallowance of funding based on schedule slippages, when such slippages are the result of new Federal mandates and requirements. The Department is not including specific subjective qualifications in the language of these provisions, since the circumstances surrounding each project will clearly vary in nearly every case. However, the Department wishes to clarify that it is not its intent to penalize State agencies or disallow costs in situations which are clearly beyond their control, could not have been foreseen or prevented, and are not the result of a failure to comply with the terms and conditions agreed to in the approved APD. The example cited by the commenters (new Federal mandates or requirements) would not have been among the "criteria, requirements, and other undertakings described in the approved or modified APD", and therefore, the potential impact of such changes would be considered and assessed separately.

ADP System Security Provisions— § 277.18(p)

The proposed rule included a requirement for State agencies to establish a security program for ADP systems, which would consist of: Appropriate State agency ADP security

standards and requirements to ensure proper control of ADP equipment, facilities and information; State agency procedures and processes for meeting the established security standards and requirements; and security reviews for ensuring that established standards and requirements are met.

Two commenters felt that the security provisions might result in additional paperwork and reporting. The Department wishes to clarify that the establishment and maintenance of ADP security standards, requirements and plans are State agency responsibilities, and it is not intended that this information be submitted to FNS for review or approval. However, in response to this concern, the Department is eliminating the proposed requirement for submission of all State agency biennial security review reports to FNS. Instead, this rule specifies that a summary of review findings and an action plan to correct any identified weaknesses should be submitted.

One commenter questioned the availability of enhanced funding for these activities. An ADP system security program is an integral component of ongoing system management and operations, and is therefore eligible for regular administrative matching funds (50% FFP). However, to the extent that an ADP security program is initially developed as part of an overall ADP system development project being funded at the enhanced FFP rate, the development activity may be claimed at the enhanced rate.

Another commenter questioned the extent to which funding is available for "hot" and/or "cold" back-up sites. While contingency and disaster recovery planning is a necessary element in adequate security planning and is required by this rule, it should be clarified that these provisions are not intended to suggest that State agencies should construct and maintain full-scale, "hot" back-up sites. The Department has intentionally provided the flexibility in these provisions for State agencies to tailor their security plans to their individual needs, which will vary based on the size and complexity of the system, whether it is a shared facility, etc. Reasonable and necessary costs associated with the maintenance of adequate contingency plans would be matched at the regular 50% FFP rate.

Two commenters requested clarification of the terms "significant system changes" and "risk analysis". In stating that a risk analysis shall be performed whenever significant system changes occur, the Department intends that such reviews be conducted at any

time that the State agency makes a major change in the system components, procedures or operating environment that may affect system security. Further definition of and information regarding the term "risk analysis" can be obtained from the Federal Information Processing Standards Publication (FIPS Pub.) #31—*Guidelines for Automatic Data Processing Physical Security and Risk Management*.

Another commenter suggested that the security provisions were not germane to the prior approval process, and would be more appropriately included in the audit requirements of the regulations. Since the restructured § 277.18 now deals with all of the requirements and procedures associated with the establishment of an ADP or information retrieval system (exclusive of the model plan requirements, as discussed in § 272.10), the Department believes that this is an appropriate place for these provisions.

Miscellaneous Comments

Comments which were received on any provisions which have not been revised or otherwise affected, except by the restructuring of § 277.18 to include the provisions formerly contained in Appendix A to part 277, are not being considered in this rulemaking.

Three commenters proposed the addition of several definitions to § 277.18(b): "Development", "enhancement", "contracts" and "planning activities". The Department has chosen not to include definitions of "development" and "planning activities", because it was felt that an attempt to define these terms might unduly limit the types of activities and costs intended to be covered by these provisions. "Enhancement" is not defined in this rule because the term is not used within the regulatory text. The Department also felt that an attempt to define the term "contract" would constitute a legal issue, which is beyond the scope of this rulemaking. However, the commenter who requested that this definition be included also asked for clarification of whether or not consultant and maintenance contracts are included in the prior approval provisions and considered to be an integral part of the APD. The response to this question is that these contracts are included when they are associated with an ADP acquisition which requires prior approval in accordance with these provisions.

Another commenter recommended that the provisions of this rule only be made effective with new APD submissions. Since many of the ADP

acquisitions requiring approval under these and the former regulations involve developmental periods of several years, the Department felt that it would be too confusing to maintain different standards and tracking systems for that length of time. Additionally, this would mean that such ongoing projects still covered under the previous provisions would be required to fulfill the more burdensome approval and submission requirements of the previous rule, including obtaining prior approval for all project changes. Therefore, the Department is making these provisions effective for all ADP acquisitions, to the extent that such requirements have not already been met under the previous rules or have not been obviated by the passage of project events.

Other Revisions

Several additional changes in the proposed rule are contained in these final provisions, either to clarify language in the proposed rule, in response to comments received, or for consistency with the HHS final rule.

1. The "Definitions" contained in § 277.18(b) are revised as follows:

"Advance Planning Document (APD) for Project Planning" has been changed to clarify that the Planning APD is intended to be a *brief* document (no more than 6-10 pages in length).

"Annually Updated APD" has been changed to "APD Update" in this section and throughout the regulatory text, to conform to the terminology in the HHS rule. Language has been added to this definition to clarify that an APD Update must be submitted annually, as required, but may also be submitted on an as needed basis.

"General System Design" has been changed to clarify the term "capacity requirements" as used in the proposed rule.

"Requirements analysis" has been deleted, and is replaced by a new expanded definition, "Functional Requirements Specification". This change is being made to correspond to HHS provisions at 45 CFR 95.605.

2. The provisions of § 277.18(i) *Cost Determination and Claiming Costs* were essentially unchanged by the proposed rule. However, the Department has clarified in the final rule that the provisions pertaining to cost allocation plans for developmental projects apply to ADP acquisitions funded at either FFP rate.

List of Subjects in 7 CFR Part 277

Food stamps, Government procedure, Grant programs-social programs, Investigations, Records, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 277 is amended as follows:

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

1. The authority citation for part 277 continues to read as follows:

Authority: 7 U.S.C. 2011-2029.

2. Section 277.18 is revised in its entirety to read as follows:

§ 277.18 Establishment of an Automated Data Processing (ADP) and Information Retrieval System.

(a) *Scope and application.* This section establishes conditions for initial and continuing authority to claim Federal financial participation (FFP) for the costs of the planning, development, acquisition, installation and implementation of ADP equipment and services used in the administration of the Food Stamp Program. Due to the nature of the procurement of ADP equipment and services, current State agency approved cost allocation plans for ongoing operational costs shall not apply to ADP system development costs under this section unless documentation required under paragraph (c) of this section is submitted to and approvals are obtained from FNS.

(b) *Definitions.*

Acceptance Documents means written evidence of satisfactory completion of an approved phase of work or contract, and acceptance thereof by the State agency.

Advance Planning Document for Project Implementation or Implementation APD means a written plan of action requesting Federal financial participation (FFP) to acquire and implement ADP services and/or equipment.

Advance Planning Document for Project Planning or Planning APD means a brief written plan of action that requests FFP to accomplish the planning necessary for a State agency to determine the need for and plan the acquisition of ADP equipment and/or services, and to acquire information necessary to prepare an Implementation APD.

Advance Planning Document Update (APDU) means an annual self-certification by the State agency on the status of project development activities and expenditures in relation to the approved Planning APD or Implementation APD. An APDU may also be submitted as needed to request funding approval for project continuation whenever significant project changes occur or are anticipated.

Automated Data Processing or ADP means data processing performed by a system of electronic or electrical machines so interconnected and interacting as to minimize the need for human assistance or intervention.

Automated Data Processing Equipment or hardware means:

(1) Electronic digital computers, regardless of size, capacity, or price, that accept data input, store data, perform calculations, and other processing steps, and prepare information;

(2) All peripheral or auxiliary equipment used in support of electronic digital computers whether selected and acquired with the computer or separately;

(3) Data transmission or communications equipment that is selected and acquired solely or primarily for use with a configuration of ADP equipment which includes an electronic digital computer; and

(4) Data input equipment used to enter directly or indirectly into an electronic digital computer, peripheral or auxiliary equipment, or data transmission, or communication equipment.

Automated Data Processing Services means:

(1) Services to operate ADP equipment, either by private sources, or by employees of the State agency, or by State or local organizations other than the State agency; and/or

(2) Services provided by private sources or by employees of the State agency or by State and local organizations other than the State agency to perform such tasks as feasibility studies, system studies, system design efforts, development of system specifications, system analysis, programming and system implementation. This includes system training, systems development, site preparation, data entry, and personal services related to automated systems development and operations that are specifically identified as part of a Planning APD or Implementation APD.

Data Processing means the preparation of source media containing data or basic elements of information and the use of such source media according to precise rules of procedures to accomplish such operations as classifying, sorting, calculating, summarizing, recording, and transmitting.

Emergency situation means a situation where:

(1) The State agency can demonstrate to FNS an immediate need to acquire ADP equipment or services in order to

continue operation of the Food Stamp Program; and

(2) The State agency can clearly document that the need could not have been anticipated or planned for and the need prevents the State from following the prior approval requirements of § 277.18(c).

Enhanced funding or enhanced FFP rate means Federal reimbursement at the 75 percent level for allowable costs for State agency planning, design, development or installation of computerized systems, as authorized by § 277.4(b)(1)(ii), and in accordance with the requirements at § 277.18(g).

Feasibility Study means a preliminary study to determine whether it is sufficiently probable that effective and efficient use of ADP equipment or systems would warrant a substantial investment of staff, time, and money being requested, and whether the plan can be accomplished successfully.

Functional Requirements

Specification means an initial definition of the proposed system, which documents the goals, objectives, user or programmatic requirements, the operating environment, and the proposed design methodology, e.g., centralized or distributed. This document details what the new system and/or hardware should do, not how it is to do it. The Specification document shall be based upon a clear and accurate description of the functional requirements for the project, and shall not, in competitive procurements, lead to requirements which unduly restrict competition.

General Systems Design means a combination of narrative and diagrams describing the generic architecture of a system as opposed to the detailed architecture of the system. A general systems design may include a systems diagram; narrative identifying overall logic flow and systems functions; a description of equipment needed (including processing, data transmission and storage requirements); a description of other resource requirements which will be necessary to operate the system; a description of system performance requirements; and a description of the environment in which the system will operate, including how the system will function within that environment.

Regular funding or regular FFP rate means any Federal reimbursement rate authorized by § 277.4(b), except the 75 percent funding rate for State agency planning, design, development or installation of computerized systems, as specified at § 277.4(b)(1)(ii).

Request for Proposal or RFP means the document used for public solicitations of competitive proposals

from qualified sources as outlined in § 277.14(g)(3).

Service Agreement means the document, described in § 277.18(f), signed by the State or local agency and the State or local central data processing facility whenever a central data processing facility provides ADP services to the State or local agency.

Software means a set of computer programs, procedures, and associated documentation used to operate the hardware.

System specifications means information about the new ADP systems, such as: Workload descriptions, input data, information to be maintained and processed, data processing techniques, and output data, which is required to determine the ADP equipment and software necessary to implement the system design.

System study means the examination of existing information flow and operational procedures within an organization. The study consists of three basic phases: Data gathering or investigation of the present system and new information requirements; analysis of the data gathered in the investigation; and synthesis, or refitting, of the parts and relationships uncovered through the analysis into an efficient system.

(c) **General acquisition requirements.**—(1) **Requirement for prior FNS approval.** A State agency shall obtain prior written approval from FNS as specified in paragraph (c)(2) of this section when it plans to acquire ADP equipment or services with proposed FFP at the regular funding rate which it anticipates will have total acquisition costs of \$500,000 or more in Federal and State funds. A State agency shall obtain prior written approval from FNS as specified in paragraph (c)(2) of this section when it plans to acquire ADP equipment or services with proposed FFP at the 75 percent funding rate authorized by this part, regardless of the cost of the acquisition. The State agency shall request prior FNS approval by submitting the Planning APD or Implementation APD signed by the appropriate State official to the FNS Regional Office. A State agency shall also obtain prior written approval from FNS when it plans to noncompetitively acquire ADP equipment or services from a nongovernmental source:

(i) Which cost more than \$100,000 in Federal and State funds, for any acquisition with proposed FFP at the regular funding rate; or

(ii) For any acquisition, regardless of cost, with proposed FFP at the 75 percent funding rate.

(2) **Specific prior approval requirements.** (i) For ADP equipment

and services acquisitions which require prior approval as specified in paragraph (c)(1) of this section, the State agency shall obtain the prior written approval of FNS for:

(A) The Planning APD prior to entering into contractual agreements or making any other commitment for acquiring the necessary planning services;

(B) The Implementation APD prior to entering into contractual agreements or making any other commitment for the acquisition of ADP equipment or services.

(ii) For ADP equipment and services acquisitions requiring prior approval as specified in paragraph (c)(1) of this section, prior approval of the following documents associated with such acquisitions is also required:

(A) RFP's; unless specifically exempted by FNS, the State agency shall obtain prior written approval of the RFP before the RFP may be released. However, RFP's which are less than \$500,000 at the regular funding rate or \$100,000 at the enhanced funding rate, and are an integral part of the approved APD need not be submitted to FNS.

(B) Contracts; unless specifically exempted by FNS, the State agency shall obtain prior written approval before the contract may be signed by the State agency. However, contracts which are less than \$500,000 at the regular funding rate or \$100,000 at the enhanced funding rate, and are an integral part of the approved APD need not be submitted to FNS.

(C) Contract amendments; unless specifically exempted by FNS, the State agency shall obtain prior written approval before the contract amendment may be signed by the State agency. However, contract amendments involving cost increases of less than \$100,000 or time extensions of less than 60 days, and which are an integral part of the approved APD need not be submitted to FNS.

(iii) The State agency must obtain prior written approval from FNS as specified in paragraphs (c)(2) (i) and (ii) of this section in order to claim and receive reimbursement for the associated costs of the ADP acquisition.

(3) **Approval requirements.** (i) For ADP equipment and service acquisitions requiring prior approval as specified in paragraph (c)(1) of this section, the State agency shall submit the following documents to FNS for approval:

(A) Feasibility studies, when specifically required by FNS as a condition of approving the Planning APD. When required by FNS for approval, the State agency shall submit

the feasibility study no later than 90 days after its completion.

(B) APD Updates, as required by paragraph (e) of this section, on an annual or as needed basis.

(ii) The State agency must obtain FNS approval of the documents specified in paragraph (c)(3)(i) of this section in order to claim and receive reimbursement for the associated costs of the ADP acquisition.

(4) *Approval by the State agency.* Approval by the State agency is required for all documents specified in this regulation prior to submission for FNS approval. In addition, State agency approval is also required for those acquisitions of ADP equipment and services not requiring prior approval by FNS.

(d) *APD content requirements.*—(1) *Planning APD.* The State agency may request FFP at the regular or enhanced funding rate for the costs of determining the need for and planning the acquisition of ADP equipment or services through the submission of the Planning APD. The State agency may request FFP for the costs of planning activities beginning with initial project inception through the performance of necessary systems and alternatives analyses, selection and design, including the completion of a general systems design. The Planning APD shall contain the following information:

(i) The State agency's description of the programmatic and organizational needs and/or problems to be addressed by the proposed ADP acquisition and the specific objectives to be accomplished under the Planning APD;

(ii) The State agency's commitment to complete the following, where appropriate, as part of project planning activities: a functional requirements specification document, feasibility study, alternatives analysis, cost-benefit analysis, and a general system design. If an existing ADP system is to be transferred, the State agency may plan to use the general system design of the transferred system. State agencies requesting FFP at 75 percent funding rate shall include a statement of commitment that the proposed ADP acquisition would meet the functional requirements of § 272.10;

(iii) The State agency's description of the organization, required State and contractual resources and availability of those resources, and the assignments of roles and responsibilities for project planning activities. The State agency shall include a description of resources to be procured and procurement methods;

(iv) The State agency's schedule of activities and deliverables during

project planning, including a description and schedule of procurement activities to be undertaken in support of the planning project; and

(v) A proposed budget which shall identify costs for project planning activities by Federal fiscal year. The budget shall include an estimate of prospective cost distribution to participating Federal agencies and the method for cost allocation. The State agency shall also include an estimate of the total project costs, including both the cost of the planning project and the cost of any eventual ADP equipment and/or services acquisition, which will be used only for determining whether the thresholds of § 277.18(c)(1) are met.

(2) *Implementation APD.* The State agency may request FFP at the regular or enhanced funding rate to acquire ADP equipment and services through the submission of the Implementation APD. The State agency may request FFP for the necessary activities to develop, acquire, install and implement the proposed ADP system or acquisition. The Implementation APD shall contain the following information, where appropriate:

(i) The State agency shall complete and submit a functional requirements specification document;

(ii) The State agency shall submit a feasibility study and associated alternatives analyses, which include the transfer or modification of an existing system from a similar State or jurisdiction in the examination of alternatives. State agencies which reject the transfer or modification of an existing system must provide an analysis describing the barriers to system transfer as part of the feasibility study. The analysis of barriers to system transfer shall include a comparison of the costs of overcoming the problem in transferring an operational system to the costs of developing a new system;

(iii) The State agency shall submit the new or transferred general systems design and shall also document the intended approaches, plans and techniques to develop or modify specific aspects of the proposed ADP system or acquisition including hardware, software, telecommunications, system testing, and data security;

(iv) The State agency shall describe the anticipated resource requirements for implementation of the ADP project, the resources planned to be available for the project, and plans for augmenting resources to meet resource requirements;

(v) The State agency shall indicate the principal events and schedule of activities, milestones, and deliverables during implementation of the project;

(vi) The State agency shall submit a proposed budget which identifies costs for intended project development and implementation activities by Federal fiscal year and shall include a consideration of all possible Implementation APD activity costs (e.g., system conversion, computer capacity planning, supplies, training, and miscellaneous ADP expenses). The budget shall contain an estimate of prospective cost distribution and methods for allocating costs to participating Federal agencies;

(vii) The State agency shall document the scope, methodology, evaluation criteria and results of cost-benefit analyses for evaluating the selected design and alternatives. The cost-benefit analysis shall include a statement indicating the period of time the State agency intends to use the proposed equipment or system; and

(viii) The State agency shall describe the security and interface requirements to be employed and the backup and contingency procedures available.

(3) *APD Budget.* The proposed budget for both the Planning APD and the Implementation APD shall include cost distribution plans containing the bases for proposed rates, both direct and indirect, for costs associated with system planning, development, acquisition or implementation, as appropriate. The budget proposals accompanying the Implementation APD shall also include proposed cost distribution plans and the bases of proposed rates for the operation of the ADP system. The budget activities shall be presented on a Federal fiscal year basis in a clear fashion to associate costs with each planned activity. The budgets must identify all development costs separately from any ongoing operational costs. Costs must be distinguished by developmental projects and developmental time periods. Actual costs claimed must be reconcilable to projected costs as proposed and approved by FNS in the APD.

(e) *APD Update.*—(1) *General submission requirements.* The State agency shall submit an APD Update for FNS approval for all approved Planning and Implementation APD's that are funded at the enhanced FFP rate, or that are funded at the regular FFP rate and total acquisition costs exceed \$1 million. The APD Update shall be submitted to the FNS Regional Office within 90 days after the annual anniversary date of the original APD approval, unless the submission date is specifically altered by FNS.

(2) *Content requirements.* The APD Update represents a self-certification by

the State agency of project status in relation to the provisions of the approved Planning APD and Implementation APD. The Annually Updated APD shall include:

(i) Project activity status.

(A) The status of all major tasks and milestones in the approved Planning APD, Implementation APD or previous APD Update's for the past year. The APD Update shall include all major tasks and milestones completed in the past year and degree of completion for unfinished tasks.

(B) The status of all project deliverables completed in the past year and degree of completion for unfinished products.

(C) Reports of past and/or anticipated problems or delays in meeting target dates in the approved Planning APD, Implementation APD or previous APD Update's for the remainder of the project. The Annually Updated APD shall include an explanation of the need to extend any major project target dates.

(ii) Project expenditures.

(A) A detailed accounting for all expenditures for project development over the past year.

(B) An explanation of differences between projected expenses in the approved Planning or Implementation APD, or previous APD Update's, and actual expenditures for the past year. If changes in costs are reported, FNS may require the submission of a revised cost-benefit analysis as a condition for approval of the APD Update.

(C) Changes to the allocation basis in the approved APD's cost allocation methodology.

(iii) Changes to the approved APD.

(A) Revised language for all changes to the approved APD or previous APD Updates shall be submitted as part of the APD Update, unless submitted separately by the State agency as the changes occurred throughout the year.

(B) Changes in project management and/or contractor services.

(3) *Submission as needed.* In addition to the requirement for approval of an APD Update on an annual basis, as specified in paragraph (e)(1) of this section, the State agency may submit an APD Update on a more frequent or as needed basis, in order to obtain a commitment of FFP whenever significant project changes occur. Without such approval, the State agency is at risk for funding of project activities which are not in compliance with the terms and conditions of the approved APD and subsequently approved APD Updates, until such time as approval is specifically granted by FNS. At a minimum, the State agency should consider submission of an APD Update

whenever any of the following changes occur or are anticipated:

(i) A significant increase (\$300,000 or 10 percent, whichever is less) in total project costs;

(ii) A significant schedule extension (60 days or more) for major milestones;

(iii) A significant change in procurement approach, and/or scope of procurement activities beyond that approved in the APD;

(iv) A change in system concept, or a change to the scope of the project; or

(v) A change to the approved cost allocation methodology.

(f) *Service agreements.* The State agency shall execute service agreements when data processing services are to be provided by a State central data processing facility or another State or local agency. Service agreements shall be kept on file by the State agency and be available for Federal review, and shall:

(1) Identify the ADP services that will be provided;

(2) Include, preferably as an amendable attachment, a schedule of charges for each identified ADP service, and a certification that these charges apply equally to all users;

(3) Include a description of the method(s) of accounting for the services rendered under the agreement and computing services charges;

(4) Include assurances that services provided will be timely and satisfactory;

(5) Include assurances that information in the computer system as well as access, use and disposal of ADP data will be safeguarded in accordance with provisions of § 272.1(c) and § 277.13;

(6) Require the provider to obtain prior approval pursuant to § 277.18(c)(1) from FNS for ADP equipment and ADP services that are acquired from commercial sources primarily to support the Food Stamp Program and requires the provider to comply with § 277.14 for procurements related to the service agreement. ADP equipment and services are considered to be primarily acquired to support the Food Stamp Program when the Program may reasonably be expected to either be billed for more than 50 percent of the total charges made to all users of the ADP equipment and services during the time period covered by the service agreement, or directly charged for the total cost of the purchase or lease of ADP equipment or services;

(7) Include the beginning and ending dates of the period of time covered by the service agreement; and

(8) Include a schedule of expected total charges to the Program for the period of the service agreement.

(g) *Entitlement to 75 Percent FFP Rate.*

(1) A State agency may, at its option, request reimbursement at a 75 percent FFP rate for the costs of planning, design, development or installation of ADP and information retrieval systems.

(2) The 75 percent funding level may be approved by FNS if the proposed system will:

(i) Assist the State agency in meeting the requirements of the Food Stamp Act;

(ii) Meet the program standards specified in § 272.10(b)(1), (b)(2) and (b)(3) of this part, except for the requirements in paragraphs (g)(2)(vi), (g)(2)(vii) and (g)(3)(ix) of this section to eventually transmit data directly to FNS;

(iii) Be likely to provide more efficient and effective administration of the program; and

(iv) Be compatible with other such systems utilized in the administration of State plans under the program of Aid to Families with Dependent Children (AFDC).

(3) State agencies seeking an enhanced level of funding for the planning, design, development or installation of automated data processing and information retrieval systems shall develop Statewide systems which are integrated with AFDC. In cases where a State agency can demonstrate that a local, dedicated, or single function (issuance or certification only) system will provide for more efficient and effective administration of the program, FNS may grant an exception to the Statewide integrated requirement. These exceptions will be based on an assessment of the proposed system's ability to meet the State agency's need for automation. Systems funded as exceptions to this rule, however, should be capable, to the extent necessary, of an automated data exchange with the State system used to administer AFDC. In no circumstances will funding be available for systems which duplicate other State agency systems, whether presently operational or planned for future development.

(4) The system developed in response to these regulations shall contain the following elements, where appropriate:

(i) A data base which receives information, sorts, performs calculations, and stores information;

(ii) An information retrieval system which will have the ability to access the data base, display or print data, and update the data in numerical or alphabetical form;

(iii) Hardware, in addition to that required for the data base, which will include visual display terminal(s) with

an attached keyboard, connected to the data base hardware components by telecommunication networks;

(iv) Software which will include system programs for data recall and input, budget calculation capability when not included in the data base system, printout and display for data entry and inquiry terminals, and for network control; and

(v) Technological safeguards and managerial procedures which will be established and applied to computer hardware, software, and data, in accordance with paragraph (p) of this section, in order to ensure the protection of the integrity of the system and individual privacy. System security shall be inherent in the system and provided for in the Implementation APD submitted for approval. The system will process machine readable data files used for the authorized exchange of information between levels of government (*i.e.*, State to State, State to Federal).

(5) Approval of the Planning APD and Implementation APD for payment by FNS of costs at the 75 percent level will be limited to:

(i) Planning and design, *i.e.*, requirements and systems analyses, feasibility studies, preliminary cost benefits analyses, alternatives analyses, and general systems design;

(ii) Development, *i.e.*, detailing of system and program specifications, programming and testing;

(iii) Procurement of ADP equipment and/or services; and

(iv) Installation, *i.e.*, conversion, training of staff, and turnover to operational status.

(6) Costs may not be funded at 75 percent when the approved system produces automated processing of food stamp recipient applications, issuance authorizations or other reports (operations) on a continuing basis for use by State agency personnel for administration of the Food Stamp Program. Operations include the use of purchased or rented computer equipment and software directly required for and used in the operation of the automated data processing and information retrieval system. For ADP development projects with phased installation and implementation, counties, districts or other subdivisions of the State shall be considered operational at the time that the approved system produces automated application processing and/or issuance authorizations for the food stamp caseload for that subdivision of the State. Pilot testing and an initial period of parallel processing for test purposes may be considered developmental costs

and eligible for 75 percent funding for the period of time specified in the approved APD, unless an extension is subsequently approved by FNS.

(7) If FNS suspends approval of an APD in the course of a State agency's planning, design, development, or installation, the 75 percent level of funding shall not be allowable for any costs incurred until such time as the conditions for approval are met.

(8) Incident to the activities listed in paragraph (g)(5) of this section, a State agency may seek payment for the following expenses at a 75 percent level.

(i) Personnel. Salaries, wages, travel, and benefits of personnel actually engaged in design, development, or installation of approved ADP systems.

(ii) Materials, equipment, facilities, and supplies. Costs of materials, equipment, facilities and supplies used in design, development, or installation of approved ADP systems. Only the proportionate share of the costs of capital assets assignable to the period of time or prorated for usage may be claimed during the design, development, or installation of these systems. This share must be determined based on acquisition costs and/or depreciation or approved usage rates. Data with respect to such costs shall be submitted with the request for funding.

(iii) Contracted services. Services obtained under the provisions of contracts which meet the procurement standards of this part for the design, development, or installation of FNS approved systems.

(iv) Management studies and preparation of other planning documents. The cost of resources used to produce the Planning APD may be funded at the 75 percent level regardless of final approval or denial of the Planning APD.

(h) *Emergency acquisition requirements.* The State agency may request FFP for the costs of ADP equipment and services acquired to meet emergency situations which preclude the State agency from following the prior approval requirements of § 277.18(c). FNS may provide FFP in emergency situations if the following conditions are met:

(1) The State agency must submit a written request to FNS prior to the acquisition of any ADP equipment or services. The written request must be sent by registered mail and shall include:

(i) A brief description of the ADP equipment and/or services to be acquired and an estimate of their costs;

(ii) A brief description of the circumstances which result in the State agency's need to proceed with the

acquisition prior to obtaining formal FNS approval; and

(iii) A description of the adverse impact which would result if the State agency does not immediately acquire the ADP equipment and/or services.

(2) Upon receipt of a written request for emergency acquisition FNS shall provide a written response to the State agency within 14 days. The FNS response shall:

(i) Inform the State agency that the request has been disapproved and the reason for disapproval; or,

(ii) Inform the State agency that FNS recognizes that an emergency situation exists and the State agency must submit a formal request for approval by FNS which includes the information specified at § 277.18(d)(2) within 90 days from the date of the State agency's initial written request.

(iii) If FNS approves the request submitted under paragraph (h)(1) of this section, FFP will be available from the date the State agency acquires the ADP equipment and services.

(i) *Cost determination and claiming costs—(1) Cost determination.* Actual costs must be determined in compliance with an FNS approved budget and Appendix A to this part, and must be reconcilable with the FNS funding level. There shall be no payments pursuant to this section to the extent that a State agency is reimbursed for such costs pursuant to any other Federal program or uses ADP systems for purposes not connected with the Food Stamp Program. The State agency approved cost allocation plan must be amended to disclose the methods which will be used to identify and classify costs to be claimed. This methodology must be submitted to FNS as part of the request for FNS approval of funding as required in paragraph (d)(3) of this section. Any costs funded pursuant to these regulations shall be excluded in determining the State agency's administrative costs under any other section of this part.

(2) *Cost identification for purposes of FFP claims.* State agencies shall assign and claim the costs incurred under an approved APD in accordance with the following criteria:

(i) *Development costs.* Using its normal departmental accounting system, the State agency shall specifically identify what items of costs constitute development costs, assign these costs to specific project cost centers, and distribute these costs to funding sources based on the specific identification, assignment and distribution outlined in the approved APD. The methods for distributing costs set forth in the APD

should provide for assigning identifiable costs, to the extent practicable, directly to program/functions. The State agency shall amend the cost allocation plan required by § 277.9 to include the approved APD methodology for the identification, assignment and distribution of the development costs.

(ii) *Operational costs.* Costs incurred for the operation of an ADP system shall be identified and assigned by the State agency to funding sources in accordance with the approved cost allocation plan required by § 277.9.

(iii) *Service agreement costs.* States that operate a central data processing facility shall use their approved central service cost allocation plan required by OMB Circular A-87 to identify and assign costs incurred under service agreements with the State agency. The State agency shall then distribute these costs to funding sources in accordance with paragraphs (i)(2)(i) and (i)(2)(ii) of this section.

(3) *Capital expenditures.* The State agency shall charge the costs of ADP equipment having unit acquisition costs or total aggregate costs, at the time of acquisition, of more than \$25,000 by means of depreciation or use allowance, unless a waiver is specifically granted by FNS. If the equipment acquisition is part of an APD that is subject to the prior approval requirements of paragraph (c)(2) of this section, the State agency may submit the waiver request as part of the APD.

(4) *Claiming costs.* Prior to claiming funding under this section the State agency shall have complied with the requirements for obtaining approval and prior approval of § 277.18(c).

(5) *Budget authority.* FNS approval of requests for funding shall provide notification to the State agency of the budget authority and dollar limitations under which such funding may be claimed. FNS shall provide this amount as a total authorization for such funding which may not be exceeded unless amended by FNS. FNS's determination of the amount of this authorization shall be based on the budget submitted by the State agency. Activities not included in the approved budget, as well as continuation of approved activities beyond scheduled deadlines in the approved plan, shall require FNS approval of an amended State budget for payment. Requests to amend the budget authorization approved by FNS shall be submitted to FNS prior to claiming such expenses.

(j) *Procurement requirements.* (1) Procurements of ADP equipment and services are subject to the procurement standards prescribed by § 277.14 regardless of any conditions for prior

approval, except the requirements of § 277.14(b)(1) and (2) regarding review of proposed contracts. Those standards include a requirement for maximum practical open and free competition regardless of whether the procurement is formally advertised or negotiated.

(2) The standards prescribed by § 277.14, as well as the requirement for prior approval, apply to ADP services and equipment acquired by a State or local agency, and the ADP services and equipment acquired by a State or local central data processing facility primarily to support the Food Stamp Program.

(3) The competitive procurement policy prescribed by § 277.14 shall be applicable except for ADP services provided by the agency itself, or by other State or local agencies.

(k) *Access to the system and records.* Access to the system in all aspects, including but not limited to design, development, and operation, including work performed by any source, and including cost records of contractors and subcontractors, shall be made available by the State agency to FNS or its authorized representatives at intervals as are deemed necessary by FNS, in order to determine whether the conditions for approval are being met and to determine the efficiency, economy and effectiveness of the system. Failure to provide full access by appropriate State and Federal representatives to all parts of the system shall result in suspension and/or termination of Food Stamp Program funds for the costs of the system and its operation.

(l) *Ownership rights—(1) software—(i)* The State or local government shall include a clause in all procurement instruments which provides that the State or local government shall have all ownership rights in any software or modifications thereof and associated documentation designed, developed or installed with FFP under this section.

(ii) FNS reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal Government purposes, such software, modifications, and documentation.

(iii) Proprietary operating/vendor software packages (e.g., ADABAS or TOTAL) which are provided at established catalog or market prices and sold or leased to the general public shall not be subject to the ownership provisions in paragraphs (l)(1)(i) and (l)(1)(ii) of this section. FFP is not available for proprietary applications software developed specifically for the Food Stamp Program.

(2) *Automated data processing equipment.* The policies and procedures

governing title, use and disposition of property purchased with Food Stamp Program funds, which appear at 7 CFR 277.13 are applicable to automated data processing equipment.

(m) *Use of ADP systems.* ADP systems designed, developed or installed with FFP shall be used for the period of time specified in the APD, unless FNS determines that a shorter period is justified.

(n) *Basis for continued Federal financial participation.* FNS will continue FFP at the levels approved in the Planning APD and the Implementation APD provided that project development proceeds in accordance with the conditions and terms of the approved APD and that ADP resources are used for the purposes authorized. FNS will use the APD Update to monitor ADP project development. The submission of the report prescribed in § 277.18(e) for the duration of project development is a condition for continued FFP. In addition, periodic onsite reviews of ADP project development and State and local agency ADP operations may be conducted by or for FNS to assure compliance with approved APD's, proper use of ADP resources, and the adequacy of State or local agency ADP operations.

(o) *Disallowance of Federal financial participation.* If FNS finds that any ADP acquisition approved under the provisions of § 277.18(c) fails to comply with the criteria, requirements, and other undertakings described in the approved or modified APD, payment of FFP may be disallowed.

(p) *ADP system security requirements and review process—(1) ADP system security requirements.* State and local agencies are responsible for the security of all ADP projects under development, and operational systems involved in the administration of the Food Stamp Program. State and local agencies shall determine appropriate ADP security requirements based on recognized industry standards or standards governing security of Federal ADP systems and information processing.

(2) *ADP security program.* State agencies shall implement and maintain a comprehensive ADP Security Program for ADP systems and installations involved in the administration of the Food Stamp Program. ADP Security Programs shall include the following components.

(i) *Determination and implementation of appropriate security requirements as prescribed in paragraph (p)(1) of this section.*

(ii) *Establishment of a security plan and, as appropriate, policies and*

procedures to address the following areas of ADP security:

(A) Physical security of ADP resources;

(B) Equipment security to protect equipment from theft and unauthorized use;

(C) Software and data security;

(D) Telecommunications security;

(E) Personnel security;

(F) Contingency plans to meet critical processing needs in the event of short- or long-term interruption of service;

(G) Emergency preparedness; and

(H) Designation of an Agency ADP Security Manager.

(iii) Periodic risk analyses. State agencies shall establish and maintain a program for conducting periodic risk analyses to ensure that appropriate, cost-effective safeguards are incorporated into new and existing systems. In addition, risk analyses shall be performed whenever significant system changes occur.

(3) *ADP system security reviews.* State agencies shall review the ADP system security of installations involved in the administration of the Food Stamp Program on a biennial basis. At a

minimum, the reviews shall include an evaluation of physical and data security, operating procedures, and personnel practices. State agencies shall provide a written summary of the State agency's findings and determination of compliance with these requirements to FNS, upon completion of the ADP system security review. The State agency shall include an action plan with scheduled dates of milestones which, when completed, will correct any security weaknesses.

(4) *Applicability.* The security requirements of this section apply to all ADP systems used by State and local governments to administer the Food Stamp Program.

(5) *Costs.* Costs incurred for complying with the provisions of paragraphs (p)(1) through (p)(3) of this section are considered regular administrative costs which are funded at the regular FFP level unless they are incurred during the development of an ADP system funded at the 75 percent FFP rate, in accordance with paragraph (g) of this section.

3. In part 277, Appendix A, *Standards for Selected Items of Cost*, Section B,

paragraphs B(1) through B(12) are removed, paragraphs B(13) through B(20) are redesignated as paragraphs B(2) through B(9), respectively, and a new paragraph B(1) is added. The addition reads as follows:

Appendix A—Principles for Determining Costs Applicable to Administration of the Food Stamp Program by State Agencies

* * * * *

B. *Costs allowable with approval of FNS.*—

(1) *Automated Data Processing.* The costs of acquiring data processing equipment and services used in the administration of the Food Stamp Program are allowable. The costs of ADP equipment and services acquisitions to be funded at the 75 percent rate or which exceed the prior approval cost thresholds specified in § 277.18(c) are allowable upon the prior written approval of FNS. Requests for prior approval of such costs shall be in accordance with the provisions of § 277.18.

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Dated: January 12, 1990.

George A. Braley,

Acting Administrator.

[FR Doc. 90-2731 Filed 2-6-90; 8:45 am]

BILLING CODE 3410-01-M

The American Medical Association is a non-profit corporation organized for the purpose of promoting the interests of the medical profession and the public. It was founded in 1847 and has since that time been the leading organization of the medical profession in the United States. The Association is composed of more than 50,000 members, who are physicians, surgeons, dentists, and other medical practitioners. The Association's principal activities are the publication of the Journal of the American Medical Association, the holding of annual conventions, and the representation of the medical profession in legislative and administrative matters. The Association is also engaged in a wide variety of other activities, including the promotion of medical research, the improvement of medical education, and the advancement of the public health. The Association's efforts are directed towards the betterment of the medical profession and the service of the community.

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Registered **Federal**

Wednesday
February 7, 1990

Part IV

Department of Health and Human Services

42 CFR Part 433

45 CFR Parts 95, 205, and 307

**Automatic Data Processing Equipment
and Services; Conditions for Federal
Financial Participation; Final Rule**

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Family Support Administration****Office of Child Support Enforcement****Office of Human Development Services****Health Care Financing Administration****Office of the Secretary****42 CFR Part 433****45 CFR Parts 95, 205, and 307**

RIN 0970-AA59

Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation

AGENCY: Family Support Administration, Office of Child Support Enforcement, Office of Human Development Services, Health Care Financing Administration, Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: These regulations change requirements for the claiming of Federal matching funds for the acquisition of ADP equipment or services in the administration of public assistance programs under titles I, IV, X, XIV, XVI (AABD) and XIX of the Social Security Act and Title IV Chapter 2 of the Immigration and Nationality Act. These changes modify the process under which State and local governments submit requests for Federal Financial Participation (FFP) in support of the acquisition of automatic data processing equipment or services.

DATE: These rules are effective May 8, 1990, and shall apply to all on-going and new acquisitions of automatic data processing equipment or services. APDs for on-going acquisitions, that have been prior approved under the existing rule, are deemed approved under this rule.

FOR FURTHER INFORMATION CONTACT: Ron Lentz (202) 252-4795.

SUPPLEMENTARY INFORMATION:**Regulatory History**

HHS, then the Department of Health, Education and Welfare, published final regulations entitled "Automatic Data Processing Equipment and Services—Conditions for Federal Financial Participation", subpart F of 45 CFR part 95 in the Federal Register, (43 FR 44851), on September 29, 1978. The September 29, 1978 regulations required State and local governments to obtain prior written approval from the Department for the acquisition of ADP equipment or

ADP services when the acquisition costs exceeded \$25,000. These regulations were modified by a rule change published on February 19, 1980 in the Federal Register (45 FR 10794), to raise the prior approval threshold to \$100,000 for acquisitions costing that amount or more in Federal and State funds over a twelve-month period and to \$200,000 in Federal and State funds for the total acquisition. The change also required States to submit a brief prior notice of acquisition for ADP equipment and services that cost \$25,000 to \$100,000 over a twelve-month period.

On November 19, 1984, HHS published a Notice of Proposed Rulemaking (NPRM), proposing changes to the regulation published on September 29, 1978, with comment period in the Federal Register (49 FR 45617). The NPRM proposed raising the prior approval threshold to \$200,000 for acquisitions costing that amount or more in Federal (regular matching) and State funds over a twelve-month period and to \$300,000 in Federal (regular matching) and State funding for the total acquisition, revising the prior approval requirements and eliminating the prior notice requirement. This NPRM also proposed modifying the current regulation to conform to legislative changes in the administration of some Social Security Act programs and to clarify the regulatory language.

On January 27, 1986, the Department published an Interim Final Rule with Comment Period in the Federal Register (51 FR 3337) which established the conditions and the procedures under which a State can obtain consideration for Federal Financial Participation (FFP) in emergency and certain other circumstances for the acquisition of automatic data processing (ADP) equipment or services in affected programs. The Interim Final Rule added § 95.623 to address the waiver of the prior approval requirement. The public was invited to submit comments pertaining to the Interim Final Rule.

On December 18, 1986 HHS published a Final Regulation in the Federal Register (51 FR 45321) which raised the prior approval threshold to \$200,000 for acquisitions costing that amount or more in Federal (regular matching) and State funds over a twelve-month period and to \$300,000 in Federal (regular matching) and State funding for the total acquisition, revised specific prior approval requirements and eliminated the prior notice requirement. That final regulation also modified the then current regulation to conform to legislative changes in the administration of some Social Security Act programs and to clarify the regulatory language.

On September 21, 1987, HHS published a Notice of Proposed Rulemaking (NPRM), "Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation" with comment period in the Federal Register (52 FR 35454). That NPRM was applicable to the administration of Public Assistance programs under titles I, IV-A, IV-B, IV-D, and IV-E, X, XIV, XVI (AABD), and XIX of the Social Security Act.

The comment period expired on November 20, 1987. The Final Rule published herein addresses the comments received from the public in response to the January 27, 1986 Interim Final Rule and the September 21, 1987 NPRM.

This rule finalizes §§ 95.605, 95.623 and 95.624 of the interim final regulation published on January 27, 1986, and addresses the major areas of planning prior to the acquisition of ADP equipment and services, and of allowing States to proceed with project development activities, when project changes occur, before obtaining HHS approval of the changes, as explained in the preamble of the NPRM published on September 21, 1987. In addition, changes have been made to the rules as they appeared in the NPRM, as explained below.

The comments received in response to the Notice of Proposed Rule Making published on September 21, 1987 expressed general agreement with the proposed rule's objectives of reducing reporting burden and improving the APD process. However, the comments also expressed general concern that the rule lacked clarity, was complex, and still contained burdensome requirements. In response to these comments, HHS has made certain modifications. These modifications include:

- Reorganizing the definition of APDs to include all types of APDs, including Advance Planning Document Updates (APDUs). The NPRM separately defined an APDU.
- Succinctly stating the purpose of the APD documents, clearly delineating their content requirements in the definitions and placing the submission requirements in § 95.611, Specific Conditions for FFP. In the NPRM, submission requirements were contained in both the definitions and in § 95.611.
- Clarifying prior approval and approval requirements for regular and for enhanced Federal financial participation.
- Clarifying when a State should consider submitting a "Planning APD".

- Clarifying the distinction between "Planning APD" and "Implementation APD" activities.

- Emphasizing the need to develop a Functional Specifications Document prior to developing a General Systems Design (GSD) document.

- Emphasizing the transfer of another State GSD and system wherever practical and feasible.

- Clarifying procedures for State requests for FFP in support of Medicaid Management Information Systems (MMISs).

- Adding definitions for "Implementation", "Medicaid Management Information Systems (MMIS)", "Total Acquisition Cost", "Functional Requirements Specifications" and "Project".

- Revising the definition of APDs to include Advance Planning Document Updates (APDUs) as extensions of APDs.

- Adding a definition for APDUs which distinguishes between an "Annually Updated" APDU and an "As Needed" APDU.

- Deleting the term "Advance Planning Document Modification."

- Establishing specific thresholds under which certain APDs, RFPs, contracts and contract amendments, for both regular and enhanced funding, do not require prior approval.

- Deleting the requirement to submit RFPs, contracts and contract amendments that do not require prior approval.

- Modifying various specific submission requirements which appeared in the NPRM.

- Increasing the cost thresholds for regular FFP acquisitions.

These changes referred to above are explained in more detail below under specifics of the changes and in the responses to specific comments.

We have published this rule in final form, despite the changes, not only because the changes are a logical outgrowth of the proposed rule, but also because it is overall consistent with the objectives of the NPRM published on September 21, 1987. These objectives were to reduce the reporting burden on States and improve the State systems approval process. This final rule contains provisions which, if delayed, would delay achieving these objectives.

Specifics of the changes are:

1. We are amending § 95.605 to define new documents, where necessary, and to revise definitions of existing terminology for greater clarity.

The following definitions are added (as proposed in the NPRM and modified in this final regulation):

—"Planning APD". This document was added to provide the State and local agencies with a mechanism for requesting FFP in support of necessary planning activities prior to the acquisition of ADP equipment or services. The Planning APD, a relatively brief document usually not more than 6-10 pages, is used to request FFP to determine the need for, and feasibility and cost factors of, an ADP equipment or services acquisition, and to perform one or more of the following: Prepare a "Functional Requirements Specification"; assess other States' existing systems for transfer, to the maximum extent possible; prepare an "Implementation APD"; prepare a request for proposal (RFP) or develop a General Systems Design (GSD).

Before beginning the General Systems Design, the State shall notify HHS as to the State's plan for transferring an already developed and tested system.

The 6-10 page Planning APD shall contain:

(A) A statement of the problem/need in terms of deficiencies in existing capabilities, new or changed program requirements or opportunities for economies and efficiencies;

(B) A project management plan which addresses the planning project organization, planning activities/deliverables, State and contractor resource needs, planning project procurement activities and schedule;

(C) A specific budget for the planning project; and,

(D) An estimated total project cost along with prospective State and Federal cost distribution, including planning, development and implementation.

Additional "Planning APD" content requirements, for enhanced funding projects are contained in 45 CFR 205.37(a)(1)-(8) and 45 CFR 307.15. A Planning APD is not required for an MMIS.

The State, when submitting a Planned APD, commits to conducting/preparing the needs assessment, feasibility study, alternatives analysis and cost benefit analysis.

Additionally the State commits to development of a Functional Requirements Specification and if necessary a General Systems Design (GSD).

In the final rule the definition of the Planning APD has been revised to better explain the level of detail that needs to be provided by the Planning APD. This is intended to make clear the differences between the Planning and Implementation APDs. The Planning

APD and Implementation APDs differ in terms of the activities they address and the level of detail the Department expects each to contain.

—"Implementation APD". This document is a plan of action for acquiring ADP services or equipment. An Implementation contains the following elements: a statement of needs and objectives; a requirements analysis, feasibility study and a statement of alternative considerations including, where appropriate, a transfer of an existing system and an explanation of why such a transfer is not feasible if another alternative is identified; a cost benefit analysis; a personnel resource statement indicating availability of qualified and adequate staff, including a project director to accomplish the project objectives; a detailed description of the nature and scope of the activities to be undertaken and the methods to be used to accomplish the project; the proposed activity schedule for the project; a proposed budget (including a consideration of all possible "Implementation APD" activity costs, e.g., system conversion, computer capacity planning, supplies, training, and miscellaneous ADP expenses) for the project; a statement indicating the period of time the State expects to use the equipment or system; an estimate of prospective cost distribution to the various State and Federal funding sources and the proposed procedures for distributing costs; and, a statement setting forth the security and interface requirements to be employed and the system failure and disaster recovery procedures available.

—"Advance Planning Document Update" ("APDU"). This document replaces two documents in the current rule. The current rule requires that any change to the approved APD be submitted to the Department for prior approval. The Aid to Families with Dependent Children (AFDC) and Child Support Enforcement (CSE) programs, under current rules, also require an Annual APD for all projects approved for enhanced FFP. The "APDU" can be used by State and local agencies to satisfy both of these HHS reporting requirements. Additionally, the format and the content of the "APDU" is more clearly defined than the previously defined Annual APD or APD update or modification and requires HHS approval as opposed to the prior approval that is required for the current Annual APD or APD change.

The "APDU" must be submitted annually ("Annual APDU") or on an as needed basis ("As Needed APDU"). An "APDU" is not required for an MMIS.

The content of the "Annual APDU" includes:

- (A) History of APD approval and approved subsequent APD changes;
- (B) Project status and anticipated problems;
- (C) Project deliverables report;
- (D) Project activity schedule;
- (E) Project expenditures report;
- (F) Approved or anticipated cost allocation changes; and,
- (G) Cost savings report.

The content of the "As Needed APDU" follows the format of the original APD and only those elements of the APD, where a change to the original APD (Planning or Implementation, as appropriate) occurred, need be updated.

— "Advance Planning Document" ("APD"). "Initial advance automatic data processing planning document" or "Initial APD" means a "Planning APD" or an "Implementation APD". This definition has been redefined to also include "APDUs". This definition establishes a closer relationship between "APDUs" and "Planning and Implementation APDs" and simplifies the terminology of the final regulation and is intended to make it more understandable to State and local agencies.

The following definitions are added in this final regulation:

— "Medicaid Management Information System (MMIS)", "Implementation", "Total Acquisition Cost", "Functional Requirements Specification", and "Project".

The meaning of these terms was perceived by the Department to be generally understood by the public. However, to avoid any future misunderstanding by the public, the Department has chosen to define these terms as part of the text of the final rule.

2. Section 95.611(a) is modified to require a State to submit non-MMIS requests (in the form of a "Planning APD" or an "Implementation APD") for prior approval signed by the appropriate State official, to the Associate Administrator, Family Support Administration, Office of Management and Information Systems. The State shall send the Associate Administrator the original request and a copy of it for each HHS component from which the State is requesting funding. The NPRM instructed State agencies to submit the Planning and Implementation APDs to the Assistant Secretary for Management and Budget (ASMB), Department of Health and Human Services. The change

to the final rule was made to reflect an organizational and approval authority change made within HHS published in the *Federal Register* on September 1, 1988 (53 FR 33850).

States shall submit requests for approval which involve solely title XIX funding (i.e., State Medicaid Systems), to HCFA for action.

The State shall also send one copy of the request to each Regional program component and one copy to the HHS Regional Director's office. We have provided States with appropriate guidance and the mailing addresses for regional office distribution. These new distribution requirements will allow HHS Central and Regional Offices to begin the document review at the same time and avoid delays in transmitting requests from the Central Office to the Regional Offices.

Section 95.611(a) is also modified to apply thresholds to ADP acquisitions in support of a Medicaid Management Information System (MMIS) for which reimbursement at the 75 percent FFP rate is being requested. This is a change from the proposed rule which required prior approval of any and all costs for an MMIS for which the State sought enhanced matching. It should be noted, however, that there are separate rules affecting the receipt of enhanced matching in the context of the approval and reapproval of MMIS systems set forth in 42 CFR part 433, subpart C.

In response to public comments HHS has reconsidered the threshold for noncompetitive acquisitions. HHS recognized, generally, that the cost of ADP equipment and services has increased since the establishment of the current threshold and that recognition has resulted in increasing the threshold for this type of acquisition from \$25,000 (as provided in the NPRM) to \$100,000 (as provided herein). This section of the NPRM applied to regular FFP acquisitions. The final rule has been revised to make this point more clearly.

In response to public comments HHS has reconsidered the threshold for regular FFP acquisitions. HHS agrees with the public comments that argue for a higher dollar threshold for regular FFP acquisitions (planning and implementation combined) and feels that the use of a single dollar threshold instead of an annual threshold and a project threshold, will simplify the rule in this area. Therefore, a single threshold, of \$500,000, for this type of acquisition has been added to the final rule.

In the final rule § 95.611(a) has been reconstructed into numbered subsections. This change was made to

make the section more readable and understandable.

3. In the final § 95.611(b) has been reconstructed to delineate the prior approval requirements as they apply to State requests for regular FFP and enhanced FFP.

In the final rule, RFPs and contracts which exceed \$300,000 under a regular funded project will require HHS prior approval unless specifically exempted by the Department.

This is a change from the NPRM which did not require prior approval or establish specific approval thresholds for regular funded RFPs, but which required that all regular funded RFPs be submitted to HHS for review, and possible disapproval.

HHS feels that for RFPs for regular funding in excess of \$300,000, the scope of work portion of the RFP is critical to the successful acquisition of the ADP equipment or service and for that reason has chosen to retain prior approval authority for those RFPs.

In the final rule RFPs and/or contracts for enhanced funding, in excess of \$100,000, will require prior approval unless specifically exempted by the Department. This is a change from the NPRM which required that all RFPs and contracts for enhanced funding be prior approved if HHS so required, and those not submitted for prior approval were required to be submitted for HHS review.

HHS made this change in order to be responsive to States' requests for added reporting burden relief by establishing specific thresholds under which prior approval would not be required and over which it would be at the Department's discretion.

A contract amendment prior to execution of the amendment, involving cost increases exceeding \$100,000 or time extensions of more than 60 days, requires prior approval unless specifically exempted by Department.

The NPRM provided for absolute HHS discretion regarding the application of the prior approval requirement to contract amendments and required that all contract amendments be submitted for prior approval unless specifically exempted by the Department. The final rule applies dollar and time thresholds under which the Department does not require prior approval of contract amendments for regular or enhanced matched projects. Documents not subject to prior approval need not be submitted to HHS for review.

4. In the final rule § 95.611(c) has been reconstructed to delineate the approval requirements as they apply to the newly defined Annual APDUs and As Needed

APDUs for regular FFP and enhanced FFP. Additionally, criteria for submitting and obtaining approval for the newly defined Annual and As Needed APDU are listed and are as follows:

(A) For regular FFP requests.

(1) An Annual APDU needs HHS approval if the total acquisition cost is more than one million dollars, and when specifically required by the Department.

(2) An "As Needed APDU" needs HHS approval if changes cause any of the following:

(a) A projected cost increase of \$300,000 or 10 percent of the project cost, whichever is less;

(b) A schedule extension of more than 60 days for major milestones;

(c) A significant change in procurement approach, and/or scope of procurement activities beyond that approved in the APD;

(d) A change in system concept, or a change to the scope of the project; or,

(e) A change to the approved cost allocation methodology.

The State shall submit the "As Needed APDU" to the Department, no later than 60 days after the occurrence of the project change.

(B) For enhanced FFP requests.

(1) An Annual APDU needs HHS approval.

(2) An "As needed" APDU needs HHS approval if changes cause any of the following:

(a) A projected cost increase of \$100,000 or 10 percent of the project cost, whichever is less;

(b) A schedule extension of more than 60 days for major milestones. For Aid to Families with Dependent Children (AFDC) Family Assistance Management Information System (FAMIS)-type projects, in accordance with section 402(e)(2)(C) of the Social Security Act, any schedule change which affects the State's implementation date as specified in the approved APD requires that the Department recover 40 percent of the amount expended. The Secretary may extend the implementation date, if the implementation date is not met because of circumstances beyond the State's control. Examples of circumstances beyond the State's control are:

(i) Equipment failure due to physical damage or destruction; or,

(ii) Change imposed by Federal judicial decisions, or by Federal legislation or regulations;

(c) A significant change in procurement approach, scope or activities beyond that approved in the APD;

(d) A change in system concept or scope of the project;

(e) A significant change to the approved cost methodology; or

(f) A decrease of more than 10% of estimated cost benefits.

The State shall submit the "As Needed APDU" to the Department, no later than 60 days after the occurrence of the project changes to be reported in the "APDU".

The changes in the final rule to the APDU submission requirements respond to comments received concerning the APDU. These changes require the submission of either an Annual APDU or an As Needed APDU, replacing the requirements in the NPRM for submission of APD modifications (APDMs), APD Updates (APDUs) and Annually Updated APDs. The final rule limits the requirement for Annual APDUs for regular matched projects to when required by the Department for acquisitions with a total cost of over one million dollars, rather than for all regular matched projects as was required in the NPRM, and distinguishes between the submission of an Annual APDU and an As Needed APDU for project changes.

5. In the final rule § 95.611(d) has been deleted. In the NPRM this section required submission, for the Department's information, of all documents that did not require either prior approval or approval. This change substantially lessens the number of documents that State agencies must submit to HHS.

6. The NPRM added a new § 95.612 Disallowance of Federal Financial Participation (FFP) which provided that if the Department found that any equipment or services acquisition approved or modified under the provisions of § 95.611 failed to comply with the criteria, requirements, and other undertakings prescribed in the approved advance planning document, payment of FFP might be disallowed. This section of the final rule remains essentially unchanged, except for the deletion of the word "substantially" which is unnecessary. To the extent an expenditure is inappropriate it is disallowable, regardless of the amount.

7. The NPRM added a new § 95.621(f) to establish minimum standard requirements for the security of non-Federal ADP systems used by State and local governments to administer programs covered under 45 CFR part 95, subpart F. The final rule deletes the requirement, that would have been imposed by § 95.621(f)(3), for States to provide HHS with copies of their completed security review reports. A new § 95.621(f)(6) has been added to the final rule that requires State agencies to provide HHS with a copy of a summary of the State's findings and an action plan for correcting any security

weaknesses. This change reflects a reduction of reporting burden on States.

8. In the NPRM we proposed that these regulations would expire on December 31, 1992. This would allow insufficient time to gain experience under these regulations in order to make informed changes. Accordingly, we have decided to delete the sunset provisions and to make informed changes through the notice and comment process.

9. The NPRM proposed revising 45 CFR 205.35 to add the terms "Annually updated advance automatic data processing planning document" and "Initial advance automatic data processing planning document" and indicated that these terms would be defined at 45 CFR part 95, subpart F § 95.605. This revision remains unchanged in the final rule.

The NPRM proposed revising 45 CFR 205.37 to add new introductory language. This revision remains unchanged in the final rule.

10. The NPRM proposed revising 45 CFR 307.1 to add the terms "Annually Updated APD" and "Initial APD" and indicated that these terms would be defined at 45 CFR part 95, subpart F § 95.605. This revision remains unchanged in the final rule.

11. The NPRM proposed revising 45 CFR 307.15(a) to refer to 45 CFR part 95, subpart F, § 95.611 (a), (b) (c) and (d) for the appropriate process for approval of APDs. The final rule retains 45 CFR 307.15(a). The Office of Child Support Enforcement (OCSE) decided to retain the agency prior approval process since most OCSE systems are single agency (OCSE) systems as opposed to integrated eligibility systems for HCFA and FSA.

12. The NPRM proposed the removal of 45 CFR 307.15 (c) and (d) since these functions would be addressed under 45 CFR part 95 subpart F. The final rule removes section 45 CFR 307.15(d). 45 CFR 307.15(c) is retained. 45 CFR 307.15(c) has been retained because the Office of Child Support Enforcement (OCSE) decided to retain the agency prior approval process since most OCSE systems are single agency (OCSE) systems as opposed to integrated eligibility systems for HCFA and FSA.

13. The NPRM proposed the removal of 45 CFR 307.20 (b) and (c) and 45 CFR 307.30(e). The final rule removes these sections. The final rule revises § 307.20 to eliminate the designation of subsection (a) since the removal of subsections (b) and (c), the only other subsections of § 307.20, remove the requirement for subsection designation.

14. The final rule revises the Medicaid regulations at 42 CFR 433.112(a) and

433.116(b) to provide parallel references, for purposes of clarity, to the same prior approval requirements being finalized in § 95.611.

15. To bring the rules into conformance with current practice, under which Refugee Resettlement program requirements are included in integrated systems submitted to HHS for prior approval, we have added 8 U.S.C. 1521 to the authorities for this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the Department has previously obtained OMB clearance of the process described in this document under which the States may apply for and obtain Federal financial participation in their ADP acquisitions. The OMB approval number is 0990-0174.

The reporting burden over and above what the States already do for this process is estimated to average 18 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Naomi B. Marr, Family Support Administration, Associate Administrator for Management and Information Systems, MAIL STOP MMIS/SDSS, 370 L'Enfant Promenade, SW, Washington, DC 20407

and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Public Comments

This section addresses public comments received in response to the Interim Final Rule published in the *Federal Register* (51 FR 3337) on January 27, 1986 and the NPRM published in the *Federal Register* (52 FR 35454) on September 21, 1987. This section first addresses the public comments received regarding the Interim Final Regulation.

The Interim Final Regulation requested comments within a period of 60 days after publication in the *Federal Register*. The comment period closed on April 2, 1986. Although some of these comments are condensed, summarized or paraphrased, we have responded to each of the comments we received.

Comment #1

A number of States commented that the Department should not end its policy of permitting retroactive prior approvals until the Department has fulfilled its commitment to reform its approval process to insure more timely decisions on ADP applications.

Response #1

At the time of this comment the Department has only just begun its efforts to revise its prior approval requirements, efforts which have culminated in this final rule. In this sense, the comment has been overtaken by events. However, in a broader sense the Department did not and would not consider changing its policy of requiring prior approval as a condition for HHS Federal financial participation in States' acquisition of ADP equipment and services, because this would be inconsistent with the Department's mandate to ensure the effective use of Federal funds for ADP acquisitions.

Comment #2

A number of States commented that the definition of an "emergency situation" should be expanded to include immediate acquisitions necessitated by the requirements of Federal, State and local legislation, regulations and court orders. The commenters expressed concern that the definition which appeared in the Interim Final Rule is too restrictive and will not cover these situations.

Response #2

The suggestion in this comment was not accepted. The examples in the preamble of the Interim Final Rule of an "emergency situation" were not intended to be all inclusive. The intent of the emergency procedure is to grant relief where an emergency situation exists depending on the specific circumstances involved. The language contained in the preamble to the regulation and the regulation itself gives the Department sufficient flexibility to decide if an emergency exists in a particular case, including those involving changes mandated by judicial decisions, legislation and regulations. Whether the Department will agree that an emergency situation exists in individual cases will depend on each State's particular circumstances.

Comment #3

Some States commented that the Department should apply the "emergency" procedures to all ADP

acquisitions until the new procedures the Department is developing are promulgated.

Response #3

Again this comment has been overtaken by this final rule which represents the new procedures developed by the Department. Through this final rule the Department continues to require prior approval and provides "emergency" procedures for instances where ongoing operations would be affected. The belief that an ADP acquisition needs to be accomplished on an expedited basis is insufficient for the "emergency" procedures to apply. These can only apply where a true emergency exists as defined in this rule.

Comment #4

States suggested that the Department should increase the threshold under which it requires prior approval to \$250,000, as soon as possible.

Response #4

Again, this comment has been overtaken by events. In the final rule published in the *Federal Register* on December 18, 1986 (51 FR 45321), the Department changed its prior approval thresholds to require a State to obtain prior written approval from the Department when it plans to acquire ADP equipment or services with proposed FFP at the regular matching rate that it anticipates will have total acquisition costs of \$200,000 or more in Federal and State funds over any twelve-month period, or \$300,000 or more in Federal and State funds for the total acquisition. In this final rule we have established a single threshold of \$500,000 or more in Federal and State funds for the total acquisition.

We published the Notice of Proposed Rulemaking in the *Federal Register* on September 21, 1987 (52 FR 35454). We asked for public comments within a period of 60 days. The comment period closed on November 20, 1987. For ease of comprehension and perspective, we have grouped comments according to the issues raised. Although some of the comments are condensed, summarized or paraphrased, we have responded to each of the comments we received.

ISSUE: PLANNING APD

Comment #5

Several commenters suggested simplification of the Planning APD format and content and changing the name of the Planning APD to a "Notification of Pending APD".

Responses #5

It is our intent that the Planning APD be a relatively brief document. This has been explained in the preamble to this rule. We have revised the definition and format of the Planning APD in response to this comment to eliminate redundancies with the Implementation APD definition. We believe that the revised format and content of the Planning APD more clearly states, to State agencies, the Federal requirements for the Planning APD. Finally, we believe that introduction of the new term "Notification of Pending APD" would be confusing, especially since the States are currently using the term Planning APD when requesting FFP for planning from the Office of Child Support Enforcement. For this reason the new terminology was not used in the revision to the final rule.

Comment #6

Two commenters felt that the Planning APD and Implementation APD activities were redundant. The commenters felt that both the Planning APD and the Implementation APD required a feasibility study, a requirements analysis, a conceptual system design and a General Systems Design.

Response #6

In the final rule the definition of the Planning APD is revised to emphasize the level of detail that needs to be provided by the Planning APD. This is intended to make clear the differences between the Planning and Implementation APDs.

The Planning APD and Implementation APDs differ in terms of the activities they address and the level of detail the Department expects each to contain. The Planning APD primarily requires a commitment to undertake a feasibility study, a requirements analysis and to develop a cost benefits analysis which the Department considers critical to any planning project. It also requires a description of the planning project (e.g., project staff, costs, etc.). The Implementation APD is intended to be derived from the requirements analysis and feasibility

study conducted under the Planning APD. It shall describe in some detail the APD systems acquisition to be undertaken, justify the acquisition using the results of the planning project, describe the implementation project (e.g., project staff, costs, etc.), and describe any procurements to be undertaken to support and or conduct the implementation activities.

Comment #7

One commenter felt that the NPRM did not clearly indicate whether Planning APDs applied to large integrated systems or a single system.

Response #7

We have clarified this in the definitions of the final rule. The planning APD was not intended to be peculiar to either integrated or single system acquisitions. The criterion for submitting a planning APD is: Does the State plan to claim FFP for planning activities for the proposed acquisition (e.g. for the development of a Functional Requirements Specification)?

Comment #8

Two commenters felt that the NPRM divided the APD process into planning and implementation phases. Funding for planning activities now requires prior approval where the previous process did not contain this requirement. The previous process of one comprehensive APD was far more reasonable.

Response #8

HHS does not share the commenter's view. HHS believes the two-phase, planning and implementation APD, will place a needed premium on the planning process and will lead to the development of a more definitive implementation APD that will improve the chances for successful implementation of the project.

Also, as the revised final rule explains, the Planning APD is that part of the review process under which a State would determine the feasibility of a system transfer.

ISSUE: IMPLEMENTATION APD*Comment #9*

One commenter felt that § 95.611

should specify that total acquisition costs include planning, development and implementation. This explicit statement in Section 95.611 would make it consistent with the statement regarding total acquisition costs as contained in the substantive background section.

Response #9

Section 95.611 has been amended to clearly indicate that total acquisition costs include planning, development and implementation costs.

Comment #10

One commenter felt that the APD process, with one APD was already cumbersome and the notion of having two APDs, a Planning APD and an Implementation APD would add to the complexity of the process.

Response #10

The Implementation APD format and content are very similar to the existing APD format and content. The Planning APD, as explained in responses to previous comments, is intended to be a brief, less detailed document. The Planning and Implementation APDs are intended to serve two distinctly different phases of the development and implementation of a project.

Also, having separate documents for planning and implementation will allow States and HHS to concentrate on the planning aspects of a project during the planning phase, and on implementation during the implementation phase. An entire project, including planning, will not be delayed because the implementation part of the APD lacked sufficient detail.

Comment #11

Two commenters recommended that the General System Design (GSD) development activity be a part of the Implementation APD.

Response #11

We agree with the commenter that in many cases, the GSD development belongs as a milestone in the Implementation APD. In fact in the final rule we encourage States that are transferring a system to also transfer and adjust the GSD. When this is

carried out it will indeed be part of the implementation APD.

HHS believes that in order to get an accurate picture of the proposed project and an estimate of the project costs submitted as part of the implementation APD, it is necessary that the State develop a completed General System Design document during the Planning APD activities. However, as the revised definition of a Planning APD clearly indicates, we also feel that the State agency should thoroughly examine the possibility of transferring a system from another State prior to moving ahead with a new GSD for the State. Part of the process of examining the possibility of a systems transfer is to develop a Functional Requirements Specifications document. In the case where a State will seek contractor assistance for transfer of a system, we prefer that the transfer activities include transfer and adaptation of another State's GSD. In these cases, the GSD would become part of the Implementation APD not the Planning APD. Our experience is that implementation projects which are undertaken without benefit of a General Systems Design are likely to have cost overruns of 50 percent or more.

Comment #12

Two commenters felt that incremental funding of Implementation APD activities would cause costly delays.

Response #12

Incremental funding will be based upon APDUs, which do not require prior approval and therefore will not cause the State to delay implementation of the project. Also the Department will generally provide incremental funding for large, complex multi-year projects of many millions of dollars in order to tie funds approval to meaningful project milestones (e.g., completion of detailed design, software development, pilot test, etc.).

ISSUE: REPORTING REQUIREMENTS

Comment #13

One commenter suggested that the Annually Updated APD should not include previous years' activities.

Response #13

The Annually Updated APD, now labeled the "Annual APDU" under the revised definitions of the final rule, is basically a status report of the past year's project activities. It must, however, contain a summary of the project background and activity which references approved APDs or update documents from previous years (i.e., prior to the past year). It should not be a

restatement of the activities which were reported in previous "Annually Updated APDs", and the plans for the remainder of the project. If the State needs additional funding and/or schedule extensions these requests should be made with an "As Needed" APD.

Comment #14

One commenter felt that the Annually Updated APD may be duplicative of State agency required reports.

Response #14

State required reports may be submitted to satisfy HHS requirements if State reports provide the kind of data that would satisfy Federal requirements and are submitted within the deadlines for the approved APD.

Comment #15

One commenter felt that the statement "Updated APD is not required when certification requirements are met", needed to be clarified.

Response #15

We assumed that the commenter meant "Annually Updated APD" when using the term "Updated APD". This statement in the NPRM was not clear, and we have clarified our intent in §§ 95.605(3)(vii) and 95.611(c)(2) (i) and (ii). The final rule states when and what is required in an annual APDU both during and following a system implementation. The commenter may have been questioning certification requirements. Enhanced funded systems, (e.g., a Family Assistance Management Information System (FAMIS) or a Child Support Enforcement System (CSES)) when implemented statewide, must be certified as meeting all Federal program specific requirements in order to receive enhanced operational funding for on-going hardware operational costs. For FAMIS and CSES, the final rule specifies that an annual APDU is necessary for a period of 2-5 years beyond the system certification date to provide HHS with system cost benefit data.

Comment #16

Two commenters felt that the purpose of the Annually Updated APD was not clear.

Response #16

The purpose of the annually updated APD is the same as the annually updated APD that is required under sections 402(e) and 454(16) of the Social Security Act, which apply to title IV-A and title IV-D of the Social Security Act. That purpose is to give the Department a

status report on the acquisition of ADP equipment or services for multi-year projects.

In the final rule the definition of an APDU has been defined to distinguish between an Annual APDU and an As Needed APDU. This replaces the requirement in the NPRM, which commenters found confusing, for an APD Modification (APDM), and APD Update (APDU), and a Annual APDU.

Comment #17

Two commenters suggested that the FAMIS Quarterly updates could be substituted for reporting requirements set forth in the proposed rule.

Response #17

The FAMIS Quarterly Updates are intended to satisfy specific FSA requirements. Since the FAMIS Quarterly Updates submitted during the year do not duplicate the Annually Updated APD, HHS will not accept these quarterly reports in lieu of the annual APD update.

Comment #18

One commenter felt that the APDMs should be reported at the time of the Annually Updated APD.

Response #18

The final rule no longer provides for an APDM. The final rule defines "as needed APDUs" which States may submit separately or as part of an Annual APDU.

ISSUE: ADP SECURITY REQUIREMENTS

Comment #19

Several commenters suggested that HHS provide more specificity regarding ADP system security requirements in § 95.621(f)(2).

Response #19

HHS has intentionally kept § 95.621(f) broad in order to allow States maximum flexibility in establishing ADP security programs for the programs covered under this subpart.

Comment #20

A number of commenters felt that security requirements should not be part of the regulation, since security requirements should be applied to existing systems as well as newly acquired systems.

Response #20

The Department intends § 95.621(f) ADP System Security Requirements and Review Process to form the basis for States to develop security programs

which encompass a State's total ADP systems activities (e.g., total software, hardware, communications, etc.) which support the operation of the Social Security Act programs covered under subpart F. Section 95.621(f) is not intended to establish specific security requirements for specific State systems (e.g., FAMIS, CSES, MMIS). The system security requirements specific to such systems are contained in separate HHS program specific confidentiality regulations (e.g., 45 CFR 205.37(a)(3), 45 CFR 205.50, 45 CFR 307.10(a)(2)(xi), 45 CFR 303.21 and 42 CFR 431.300ff). The Department would expect States to develop security programs, under the provisions of § 95.621(f) which apply to both existing and new systems and encompass the specific system security requirements referred to in the previous sentence.

The Department investigated whether existing single State audits could address State systems security requirements. If found that these audits require pre-established regulatory requirements such as those established in this rule, against which to audit; and that such audits generally only address the existence of internal controls, as opposed to the full gamut of ADP security. Thus single State audits will not meet the requirements contained in these rules.

HHS recognizes that State ADP security programs are important to and encompass more than these programs. Under the Secretary's broad rule making authority, Section 1102 of the Social Security Act and 8 U.S.C. 1522(a)(9), HHS is retaining § 95.621(f) in these final rules. HHS believes that § 95.621(f) is sufficiently broad and flexible to allow States to incorporate the requirements for ADP systems security in these programs in their State-wide security programs.

Comment #21

Several commenters suggested that HHS provide clarification and timeframes for implementation and consequences for failure to comply with the ADP system security requirements.

Response #21

HHS has added § 95.621(f)(6) to address this comment. This subsection requires States to provide summary reports, after completing the required biennial ADP system security review, which verify their compliance with the requirements of § 95.621(f)(2), and identify areas of non-compliance and corrective actions to be taken. While the security requirement in itself does not carry specific penalties for non-compliance, States must be cognizant

that failure to have an adequate security program in place will jeopardize their enhanced funding for hardware operational costs for a FAMIS system. Non-compliance could also result in the disapproval of APDs for acquisition of ADP equipment and services because these APDs do not meet the security requirements imposed by regulation 45 CFR 205.37(a) and FSA Guidelines contained at section 62-M, "Certification Criteria-Security and Backup Procedures of the Automated Application Processing and Information and Retrieval System (AAPIRS) or because a State does not meet the overall security requirements of § 95.621(f).

Comment #22

One State suggested that States should set standards for ADP security and provide reports to HHS.

Response #22

Section 95.621(f) calls for States to establish their own security standards using tried and tested Federal or recognized industry standards. The Department's intent is to give States the flexibility to use standards which best meet their security needs and environments.

We have added § 95.621(f)(6) to the final rule which requires States to provide summary reports which certify their compliance with the requirements of § 95.621(f)(2), and identify areas of non-compliance and corrective actions to be taken.

Comment #23

Two commenters asked what level of funding is available for ADP security systems?

Response #23

Funding for ADP security will generally be available at the regular administrative cost for operating the programs covered by this rule. As an exception however, the statutes authorizing enhanced funding, sections 454(16)(c) and 402(a)(30) of the Social Security Act, specifically reference security as a requirement of the State. For example, these requirements are addressed within the review and approval of a FAMIS APD and enhanced funding will be provided for those automated procedures related to security of this system.

ISSUE: RECOUPMENT OF FFP

Comment #24

One commenter felt that HCFA is being granted authority under the proposed regulation to recoup FFP without statutory basis.

Response #24

We do not agree with the commenter. The disallowance provision of § 95.612 is based on the general regulatory requirement, contained in subpart F, that ADP system acquisitions require an approved APD, and that changes to an approved APD require approval. If a State deviates from an approved APD without HHS approval, it may exceed the limits of its authority to receive FFP and thereby be liable for the disallowance of FFP. This requirement applies equally to all programs covered by this rule.

Comment #25

One commenter felt that the term "Management Information System" as used in § 95.612 should be defined.

Response #25

The term "Management Information System" was inconsistent with the other parts of the regulation. Thus this is now referenced as an ADP acquisition. The term does not appear in the final rule.

Comment #26

One commenter felt that the expression "failure to substantially comply with an approved APD" as used in § 95.612 should be clarified.

Response #26

In this final rule we have changed this to "failure to comply with an approved APD." The Department approves FFP on the basis that the equipment or service acquisitions proposed under APDs will add to the proper and efficient operation of Social Security Act programs to which this subpart applies. By the same token, if the Department finds that a State fails to comply with the terms of an approved APD, to the detriment of the proper and efficient operation of these affected programs, the Department may disallow FFP. The reasons for which the Department may disallow FFP include, but are not limited to, schedule slippages and cost overruns which eliminate expected future cost savings or otherwise adversely affect cost-benefit projections.

ISSUE: FEDERAL TIMEFRAMES FOR RESPONDING TO STATE SUBMITTED DOCUMENTS

Comment #27

Several commenters felt that HCFA and in turn HHS should be required to establish timeframes for responding to State agency requests for prior approval of APDs RFPs, contracts and contract amendments.

Response #27

Under this regulation, at § 95.611(d) there is an established timeframe for HHS response to State submitted documents. While the Department could establish a specific timeframe for providing funding decisions, we are not doing so because ADP projects vary in complexity and size and the documents submitted by the States vary in completeness and quality.

Comment #28

One commenter felt that the NPRM did not address the failure of DHHS to deal responsibly with initial APD submissions. We interpreted this to mean that the commenter questioned how the rule would improve HHS responsiveness to APDs.

Response #28

The new procedures outlined in this final rule are intended to improve HHS responsiveness to State APD submissions by eliminating the number of documents to be reviewed and by implementing a more uniform, and HHS believes, a less burdensome process.

Comment #29

One commenter felt that the NPRM does not deal with HHS' inclination to request more detailed information rather than issue a timely response. We interpreted this to mean that the commenter questioned how the rule would lead to more timely funding decisions and fewer questions for additional information in order to make a funding decision.

Response #29

If States adhere to the requirements set forth in the definitions of this final rule and submit quality documents, additional information will not be requested.

The new process promulgated by this final rule, with its emphasis on the need for adequate project planning, is intended to improve the likelihood that APDs will contain the information which HHS needs to make funding decisions. The process separates out initial project planning activities for which little information to support the project definition exists, from project implementation activities and requires minimum Planning APD information to support a decision of funding planning activities. HHS expects that due to improved project planning, States will more likely submit to the Department better Implementation APDs which will make it less likely that the Department will require more detailed information before issuing a final funding decision.

ISSUE: THRESHOLDS:*Comment #30*

Several commenters felt that the prior approval dollar thresholds should be substantially increased.

Response #30

In response to public comment HHS has reconsidered the threshold for regular FFP acquisitions. HHS agrees with the public comments that argue for a higher dollar threshold for regular FFP acquisitions and feels that the use of a single dollar threshold instead of an annual threshold and a project threshold, will simplify the rule in this area. Therefore, a single threshold, of \$500,000, for this type of acquisition has been added to the final rule.

Comment #31

Several commenters felt that the dollar thresholds for noncompetitive acquisitions should be substantially increased.

Response #31

In response to public comments HHS has reconsidered the threshold for noncompetitive acquisitions and raised it from \$25,000 to \$100,000.

Comment #32

Several commenters felt that APDs for regular funded acquisitions should not be required.

Response #32

Given that the requirements of subpart F apply to large open-ended entitlement programs, HHS continues to believe that expenditures for ADP equipment and services, because of their technical nature and magnitude of cost, require HHS oversight through the prior approval process, regardless of the FFP rate involved. However, the prior approval threshold for regular funded APDs has been increased to \$500,000 in this final rule.

Comment #33

One commenter noted that prior approval of 75 percent FFP enhanced funding for MMIS projects is currently not required when the expenditure is less than HCFA thresholds. The new rule would require prior approval below the threshold.

Response #33

HCFA has a policy of applying thresholds to the 75 percent enhanced funding rate for MMIS projects. Accordingly, HHS has modified § 95.611(a) in the final rule to incorporate such a threshold.

Comment #34

One commenter recommended that State projects of limited scope should have a simplified approval process. Federally mandated requirements should have an automated procedure applied.

Response #34

The regulation has several provisions which allow States to move forward more quickly with State projects of limited scope. Projects for which a State will claim regular FFP which are below the dollar threshold established in § 95.611(a) do not require HHS prior approval. The APD requirements are sufficiently flexible to allow for shorter, less complex submissions for less complex systems.

Beyond this, § 95.624 provides procedures under which a State can require a waiver of the prior approval requirement in certain emergency situations.

Comment #35

Two commenters recommended that enhanced funding APDs should be required only when planned expenditures exceed \$500,000.

Response #35

All initial acquisitions under sections 405 and 406 of Public Law 96-265 require an APD. The law makes no provision for a dollar threshold on initial acquisitions under which APDs would not be required.

ISSUE: APD CHANGES*Comment #36*

Several commenters suggested that HHS raise the dollar threshold for APDMs to \$100,000 or 10% of project costs whichever is less.

Response #36

The "As Needed APDU" has replaced the APDM and the dollar threshold has been raised to \$300,000 or 10 percent of the project whichever is less. HHS has raised the dollar threshold because ADP acquisitions have increased in cost and the definition of a significant dollar change for these acquisitions should also show a corresponding increase.

Comment #37

One commenter suggested that the prior approval requirements not be applied to APDMs.

Response #37

Since APDMs do not exist under this final rule, we responded to the comment as if it referenced an As Needed APDU. The prior approval requirement is not

applied to As Needed APDUs. APDUs require approval as opposed to prior approval. A State, however, has the option to submit an As Needed APDU for prior approval in order to assure that it will receive FFP for costs incurred under the APDU.

Comment #38

Several commenters suggested that APDM criteria should be changed to: (1) Address only increases in costs not decreases; (2) eliminate criterion of shifts in costs between years; and, (3) use a two-tiered approach to dollar thresholds (large State and small State).

Response #38

HHS has recognized the value of the first two points made by the commenter and the final rule has been revised accordingly. Under the As Needed APDU, the first and second parts of the comment are no longer applicable, because we agree that increases in overall project cost are our major concern. HHS is not accepting the two-tiered approach because it believes the provision of an absolute dollar cap coupled with a percentage cap provides sufficient flexibility between small and large projects.

Comment #39

One commenter suggested that a conceptual system design change, in and of itself, should not be a criterion for APDMs.

Response #39

HHS believes that changes to a conceptual design are significant and thus warrant review under an APDU which has replaced APDMs in the final rule. This is because the design could be altered to the point where the original functional requirements were no longer supported.

Comment #40

Several commenters suggested that APD modifications should not be required if the project is ahead of schedule.

Response #40

HHS agrees that projects that are ahead of schedule do not need to be monitored through the use of APD modifications, which are now referred to as "As Needed APDUs" and the final rule has been adjusted accordingly.

Comment #41

One commenter suggested that a 10% delay in scheduled milestones is ill-defined and will create administrative burdens.

Response #41

HHS agrees with the commenter's point that tracking a 10% delay in scheduled milestones would be difficult to administer. The 10% factor has been deleted from the final rule.

ISSUE: APPROVAL AUTHORITY AND LOCATION:

Comment #42

One commenter noted that MMIS projects are prior approved through the HCFA regional office, and suggested that this should remain unchanged.

Response #42

There is no intent to change Medicaid Management Information System (MMIS) approval procedures through this regulation because current procedures parallel this final rule.

Comment #43

One commenter felt that it is not clear whether central or regional offices would provide a formal written approval letter.

Response #43

It is intended that the Associate Administrator, Family Support Administration, Office of Management and Information Systems will have signature authority for all multi-program requests for FFP (e.g., ADP acquisitions for which more than one HHS program title covered under subpart F will provide FFP).

Except for HCFA in the case of MMIS, the Central Office will provide the formal written approval letter for ADP acquisitions for which only one HHS program title covered under subpart F will provide FFP.

ISSUE: RETROACTIVE APPROVAL

Comment #44

Several commenters suggested that mandated system changes and sole source contract amendments should not require prior approval.

Response #44

States have flexibility in implementing Federally mandated changes. Because of this, HHS believes that such changes should be subject to subpart F, in order to insure that States choose the most cost effective methodology for implementing mandated changes (e.g., monthly reporting under title IV-A). If the implementation date or deadline for Federal changes is short, the emergency procedures under § 95.624 allow a State to request a waiver of prior approval. Contract amendments are considered by HHS to be critical procurement documents and HHS chooses to exercise prior approval over these, when they

exceed \$100,000, or involve a time extension of more than 60 days. HHS has chosen the dollar threshold of \$100,000 because it represents a significant change to the original contract.

Comment #45

One commenter noted that the NPRM does not provide a mechanism for retroactive approval of APDs.

Response #45

The Interim Final Rule published in January 1986 included a procedure in § 95.624, that allows for retroactive approval of APDs under certain emergency conditions. The NPRM did not amend this section of the rule in any way for reasons explained in response to other comments. Therefore, HHS will continue to accept State requests for HHS recognition of emergency situations and in those situations where an emergency is recognized HHS will waive its prior approval requirement.

ISSUE: EFFECTIVE DATE:

Comment #46

Several commenters felt that the effective date of the final rule was not clear.

Response #46

Dates: These rules are effective 90 days after publication. The rule provisions apply to all on-going and new acquisitions of automatic data processing equipment or services. APDs for ongoing acquisitions, that have been prior approved under the existing rule, are deemed approved under this rule.

ISSUE: PROGRAM SPECIFIC COMMENTS:

Comment #47

Two commenters felt that the new process will be more complex and time consuming for Medicaid Management Information System APDs.

Response #47

The commenter may have been concerned because the NPRM inadvertently inferred that MMIS APDs were to come directly into the Assistant Secretary for Management and Budget. This final regulation, however, does not change the procedure for submittal of an MMIS APD, which provides for submission of APDs to HCFA. Also the implementation APD in the new process parallels the definition of an APD in the previous process. Thus, there is no change regarding MMIS APDs.

(v) A commitment to conduct/prepare the needs assessment, feasibility study, alternatives analysis, cost benefit analysis, and to develop a Functional Requirements Specification and/or a General Systems Design (GSD); and,

(vi) A commitment to define the State's functional requirements for the purpose of evaluating the transfer of an existing system, including the transfer of another State's General System Design, which the State may adapt to meet State specific requirements.

Additional *Planning APD* content requirements, for enhanced funding projects are contained in 45 CFR 205.37(a)(1)-(8) and CFR 307.15.

(2) *Implementation APD* means a written plan of action to acquire the proposed APD services or equipment.

The *Implementation APD* shall include:

(i) The results of the activities conducted under a *Planning APD*, if any;

(ii) A statement of needs and objectives;

(iii) A requirements analysis, feasibility study and a statement of alternative considerations including, where appropriate, a transfer of an existing system and an explanation of why such a transfer is not feasible if another alternative is identified;

(iv) A cost benefit analysis;

(v) A personnel resource statement indicating availability of qualified and adequate staff, including a project director to accomplish the project objectives;

(vi) A detailed description of the nature and scope of the activities to be undertaken and the methods to be used to accomplish the project;

(vii) The proposed activity schedule for the project;

(viii) A proposed budget (including a consideration of all possible "Implementation APD" activity costs, e.g., system conversion, computer capacity planning, supplies, training, and miscellaneous ADP expenses) for the project;

(ix) A statement indicating the period of time the State expects to use the equipment or system;

(x) An estimate of prospective cost distribution to the various State and Federal funding sources and the proposed procedures for distributing costs; and

(xi) A statement setting forth the security and interface requirements to be employed and the system failure and disaster recovery procedures available.

Additional requirements, for acquisitions for which the State is requesting enhanced funding, are contained at 45 CFR 205.37(a)(1)-(8), 45

CFR 307.15 and 42 CFR part 433 subpart C.

(3) *Advance Planning Document Update (APDU)* means a document submitted "annually" (Annual APDU) to report project status and/or post implementation cost-savings, or on an "as needed" (As Needed APDU) basis to request funding approval for project continuation when significant project changes are anticipated; for incremental funding authority and project continuation when approval is being granted by phase; or to provide detailed information on project and/or budget activities.

(a) The *Annual APDU* is due 60 days from the *Planning APD* or "Implementation APD" approved anniversary and includes:

(i) A reference to the approved APD and all approved changes;

(ii) A project activity status which reports the status of the past year's major project tasks and milestones, addressing the degree of completion and tasks/milestones remaining to be completed and discusses past and anticipated problems or delays in meeting target dates in the approved APD and approved changes to it;

(iii) A report of all project deliverables completed in the past year and degree of completion for unfinished products;

(iv) A project activity schedule for the remainder of the project;

(v) A project expenditures status which consists of a detailed accounting of all expenditures for project development over the past year and an explanation of the differences between projected expenses in the approved APD and actual expenditures for the past year;

(vi) A report of any approved or anticipated changes to the allocation basis in the APD's approved cost methodology;

(vii) A report which compares the estimated cost-savings from the State's approved APD to actual cost-benefits to date (in the development phase of a project, this may be reported as non-applicable). The proportion of costs to savings must remain as projected in the APD. Once the State begins operation, either on a pilot basis or under a phased approval, the cost-savings shall be submitted 2-5 years after statewide operation until the Department determines projected cost savings have been achieved.

(b) The "As Needed APDU" is defined as a document which requests approval for additional funding and/or authority for project continuation when significant changes are anticipated; when the project is being funded on a phased implementation basis; to clarify project

information requested as an approval condition of the "Planning APD" or "Implementation APD". The "As Needed APDU" may be submitted anytime as a stand-alone funding or project continuation request, or may be submitted with the "Annual APDU":

(i) When the State anticipates incremental project expenditures (exceeding specified thresholds);

(ii) When the State anticipates a schedule extension of more than 60 days for major milestones. For Aid to Families with Dependent Children (AFDC) Family Assistance Management Information System (FAMIS)-type projects, in accordance with section 402(e)(2)(C) of the Social Security Act, any schedule change which affects the State's implementation date as specified in the approved APD requires that the Department recover 40 percent of the amount expended. The Secretary may extend the implementation date, if the implementation date is not met because of circumstances beyond the State's control. Examples of circumstances beyond the State's control are:

(1) Equipment failure due to physical damage or destruction; or,

(2) Change imposed by Federal judicial decisions, or by Federal legislation or regulations;

(iii) When the State anticipates major changes in the scope of its project, e.g., a change in its procurement plan, procurement activities, system concept or development approach;

(iv) When the State anticipates significant changes to its cost distribution methodology or distribution of costs among Federal programs; and/or,

(v) When the State anticipates significant changes to its cost-benefit projections.

The "As needed APDU" shall provide supporting documentation to justify the need for a change to the approved budget.

* * * * *

Automatic Data Processing Services or ADP Services means:

(a) Services to operate ADP equipment, either by agency, or by State or local organizations other than the State agency; and/or

(b) Services provided by private sources or by employees of the State agency or by State and local organizations other than the State agency to perform such tasks as feasibility studies, system studies, system design efforts, development of system specifications, system analysis, programming, system conversion and

system implementation and include, for example, the following:

- (1) Systems Training,
- (2) Systems Development,
- (3) Site Preparation,
- (4) Data Entry, and

(5) Personal services related to automated systems development and operations that are specifically identified as part of a "Planning ADP" or "Implementation ADP". As an example, a personal service would be the service of an "expert individual" to provide advice on the use of ADP software or hardware in developing a State automated management information system.

Functional Requirements

Specification is defined as an initial definition of the proposed system, which documents the goals, objectives, user or programmatic requirements, management requirements, the operating environment, and the proposed design methodology, e.g., centralized or distributed. This document details what the new system and/or hardware should do, not how it is to do it. The Specifications document shall be based upon a clear and accurate description of the functional requirements for the project, and shall not, in competitive procurements, lead to requirements which unduly restrict competition. The Specification document is the user's definition of the requirements the system must meet.

General Systems Design means a combination of narrative and graphic description of the generic architecture of a system as opposed to the detailed architecture of the system. A general systems design would include a systems diagram and narrative identifying overall logic flow and systems functions; a description of equipment needed (including processing data transmission and storage requirements); a description of other resource requirements which will be necessary to operate the system; a description of system performance requirements; and a description of the physical and organizational environment in which the system will operate including how the system will function within that environment (e.g. how workers will interface with the system).

Project means an automated systems effort undertaken by the State to improve the administration and/or operation of one or more of its public assistance programs. For example, a State may undertake a comprehensive, integrated initiative in support of its AFDC and Medicaid programs' intake, eligibility and case management

functions. A project may also be a less comprehensive activity such as, office automation, enhancements to an existing system or an upgrade of computer hardware.

Implementation means design, development and installation and does not include operation.

Medicaid Management Information System (MMIS) is a commonly accepted term for "Mechanized Claim Processing and Information Retrieval System" as provided by Section 1903(a)(3) and 1903(r) of the Social Security Act and at 42 CFR 433.110 et seq.

Total Acquisition Cost means all anticipated expenditures (including State staff costs) for planning and implementation for the project. For purposes of this regulation total acquisition cost and project cost are synonymous.

4. Section 95.611 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 95.611 Specific Conditions for FFP.

(a) *General acquisition requirements.*—(1) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this section, when the State plans to acquire ADP equipment or services with proposed FFP at the regular matching rate that it anticipates will have total acquisition costs of \$500,000 or more in Federal and State funds.

(2) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this section, when the State plans to acquire ADP equipment or services with proposed FFP at the enhanced matching rate authorized by 45 CFR 205.35, 45 CFR part 307 or 42 CFR part 433, subpart C, regardless of the acquisition cost, except as specified in paragraph (a)(3) of this section.

(3) A State shall obtain prior written approval, when the State plans to acquire ADP equipment or services in support of the operation of the approved State Medicaid System, when it anticipates the total acquisition costs will be \$500,000 or more in Federal and State funds and the State plans to claim FFP at the 75 percent rate for the ADP equipment or services to be acquired.

(4) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this section, when it plans to acquire noncompetitively from a nongovernmental source ADP equipment or services, with proposed FFP at the regular matching rate, that has a total acquisition cost of more than \$100,000.

(5) Except as provided for in paragraph (a)(6) of this section, the State shall submit requests for Department approval, signed by the appropriate State official, to the Associate Administrator, Family Support Administration, Office of Management and Information Systems. The State shall send to FSA one copy of the request for each HHS component, from which the State is requesting funding, and one for the State Data Systems Staff, the coordinating staff for these requests. The State must also send one copy of the request directly to each Regional program component and one copy to the Regional Director.

(6) States shall submit requests for approval which involve solely Title XIX funding (i.e., State Medicaid Systems), to HCFA for action.

(7) The Department will not approve any Planning or Implementation ADP that does not include all information required as defined in § 95.605.

(b) *Specific prior approval requirements.* The State agency shall obtain written approval of the Department prior to the initiation of project activity.

(1) For regular FFP requests.

(i) For the Planning ADP subject to the dollar thresholds specified in paragraph (a) of this section.

(ii) For the Implementation ADP subject to the dollar thresholds specified in paragraph (a) of this section.

(iii) For the Request for Proposal and Contract, unless specifically exempted by the Department, prior to release of the RFP or prior to the execution of the contract when the contract is anticipated to or will exceed \$300,000.

(iv) For contract amendments, unless specifically exempted by the Department, prior to execution of the contract amendment involving contract cost increases exceeding \$100,000 or contract time extensions of more than 60 days.

(2) For enhanced FFP requests.

(i) For the Planning ADP.

(ii) For the Implementation ADP.

(iii) For the Request for Proposal and contract, unless specifically exempted by the Department, prior to release of the RFP or prior to execution of the contract when the contract is anticipated to or will exceed \$100,000.

(iv) For contract amendments, unless specifically exempted by the Department, prior to execution of the contract amendment, involving contract cost increases exceeding \$100,000 or contract time extensions of more than 60 days.

(3) Failure to submit any of the above to the satisfaction of the Department

may result in disapproval or suspension of project funding.

(c) *Specific approval requirements.* The State agency shall obtain written approval from the Department:

(1) For regular FFP requests.
(i) For an Annual APDU for projects with a total acquisition of more than one million dollars, when specifically required by the Department.

(ii) For an "As Needed APDU" when changes cause any of the following:

(A) A projected cost increase of \$300,000 or 10 percent of the project cost, whichever is less;

(B) A schedule extension of more than 60 days for major milestones;

(C) A significant change in procurement approach, and/or scope of procurement activities beyond that approved in the APD;

(D) A change in system concept, or a change to the scope of the project;

(E) A change to the approved cost allocation methodology.

The State shall submit the "As Needed APDU" to the Department, no later than 60 days after the occurrence of the project changes to be reported in the "As Needed APDU".

(2) For enhanced FFP requests.

(i) For an Annual APDU.

(ii) For an "As needed" APDU when changes cause any of the following:

(A) A projected cost increase of \$100,000 or 10 percent of the project cost, whichever is less;

(B) A schedule extension of more than 60 days for major milestones. For Aid to Families with Dependent Children (AFDC) Family Assistance Management Information System (FAMIS)-type projects, in accordance with section 402(e)(2)(C) of the Social Security Act, any schedule change which affects the State's implementation date as specified in the approved APD requires that the Department recover 40 percent of the amount expended. The Secretary may extend the implementation date, if the implementation date is not met because of circumstances beyond the State's control. Examples of circumstances beyond the State's control are:

(1) Equipment failure due to physical damage or destruction; or,

(2) Change imposed by Federal judicial decisions, or by Federal legislation or regulations;

(C) A significant change in procurement approach, and/or a scope of procurement activities beyond that approved in the APD;

(D) A change in system concept or scope of the project;

(E) A change to the approved cost methodology;

(F) A change of more than 10% of estimated cost benefits.

The State shall submit the "As Needed APDU" to the Department, no later than 60 days after the occurrence of the project changes to be reported in the "As Needed APDU".

(3) Failure to submit any of the above to the satisfaction of the Department may result in disapproval or suspension of project funding.

5. Section 95.612 is added to read as follows:

§ 95.612 Disallowance of Federal Financial Participation (FFP).

If the Department finds that any ADP acquisition approved or modified under the provisions of § 95.611 fails to comply with the criteria, requirements, and other undertakings described in the approved advance planning document to the detriment of the proper and efficient operation of the affected program, payment of FFP may be disallowed. In the case of a suspension of approval of an APD for enhanced funding, see 45 CFR 205.37(c), 307.40(a) and 307.35(d).

6. Section 95.621 is amended by adding a new paragraph (f) to read as follows:

§ 95.621 ADP Reviews.

* * * * *

(f) ADP System Security Requirements and Review Process—(1) ADP System Security Requirement.

State agencies are responsible for the security of all ADP projects under development, and operational systems involved in the administration of HHS programs. State agencies shall determine the appropriate ADP security requirements based on recognized industry standards or standards governing security of Federal ADP systems and information processing.

(2) *ADP Security Program.* State ADP Security requirements shall include the following components:

(i) Determination and implementation of appropriate security requirements as specified in paragraph (f)(1) of this section.

(ii) Establishment of a security plan and, as appropriate, policies and procedures to address the following area of ADP security:

(A) Physical security of ADP resources;

(B) Equipment security to protect equipment from theft and unauthorized use;

(C) Software and data security;

(D) Telecommunications security;

(E) Personnel security;

(F) Contingency plans to meet critical processing needs in the event of short or long-term interruption of service;

(G) Emergency preparedness; and,

(H) Designation of an Agency ADP Security Manager.

(iii) Periodic risk analyses. State agencies must establish and maintain a program for conducting periodic risk analyses to ensure that appropriate, cost effective safeguards are incorporated into new and existing systems. State agencies must perform risk analyses whenever significant system changes occur.

(3) *ADP System Security Reviews.* State agencies shall review the ADP system security of installations involved in the administration of HHS programs on a biennial basis. At a minimum, the reviews shall include an evaluation of physical and data security operating procedures, and personnel practices.

(4) Costs incurred in complying with provisions of paragraphs (f)(1)–(3) of this section are considered regular administrative costs which are funded at the regular match rate.

(5) The security requirements of this section apply to all ADP systems used by State and local governments to administer programs covered under 45 CFR part 95, subpart F.

(6) Heads of State agencies after completing the required biennial ADP system security review, shall provide the Department with a written summary of the State's findings and determination of compliance with these ADP security requirements. The State shall describe its ADP security program and prepare an action plan with scheduled dates of milestones which when completed will correct any security weaknesses. The State shall certify compliance with those areas cited in paragraph (f)(2) of this section.

§ 95.623 [Amended]

7. Section 95.623 is amended to remove:

"(Approved by the Office of Management and Budget under control number 0990-0058)"

§ 95.624 [Amended]

8. Section 95.624 is amended to remove:

"(Approved by the Office of Management and Budget under control number 0990-0160)"

PART 205—[AMENDED]

9. The authority citation for part 205 continues to read as follows:

Authority: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302.

§ 205.35 [Amended]

10. Section 205.35 paragraph (c) is revised to read as follows:

§ 205.35 Mechanized claims processing and information retrieval systems; definitions.

* * * * *

(c) The following terms are defined at 45 CFR part 95, subpart F, § 95.605:

"Annually updated advance automatic data processing planning document";
 "Design" or "System Design";
 "Development";
 "Initial advance automatic data processing planning document";
 "Installation";
 "Operation"; and
 "Software".

11. Section 205.37 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 205.37 Responsibilities of the Social Security Administration (SSA).

(a) SSA shall not approve the initial and annually updated advance automatic data processing planning document unless the document, when implemented, will carry out the requirements of the law and the objectives of title IV-A (AFDC) Automated Application Processing and Information Retrieval System Guide. The initial advance automatic data

processing planning document must include:

* * * * *

PART 307—[AMENDED]

12. The authority citation for part 307 continues to read as follows:

Authority: 42 U.S.C. 652 through 658, 664, 666, 667 and 1302.

13. Section 307.1 paragraph (c) is revised to read as follows:

§ 307.1 Definitions

* * * * *

(c) The following terms are defined at 45 CFR part 95, subpart F, § 95.605:

"Advance Planning Document";
 "Annually updated APD";
 "Design" or "System Design";
 "Development";
 "Initial APD";
 "Installation";
 "Operation";
 "Requirements Analysis"; and
 "Software".

* * * * *

§ 307.15 [Amended]

14. Section 307.15 paragraph (d) is removed.

§ 307.20 [Amended]

15. Sections 307.20 paragraphs (b) and (c) are removed.

16. Section 307.20 is revised to read as follows:

§ 307.20 Submittal of advance planning documents for computerized support enforcement systems eligible for 90 percent FFP.

The State IV-D agency must submit an APD for a computerized support enforcement system, approved and signed by the State IV-D Director and the appropriate State official, in accordance with the submission process prescribed in 45 CFR part 95, subpart F.

§ 307.30 [Amended]

17. Section 307.30 paragraph (e) is removed.

[FR Doc. 90-2671 Filed 2-6-90; 8:45 am]

BILLING CODE 4150-04-M

Federal Register

Wednesday
February 7, 1990

Part V

Department of Agriculture

Federal Crop Insurance Corporation

7 CFR Part 499

Common Crop Insurance Regulations (Single Policy); Proposed Rule

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 499

[Doc. No. 7577S]

Common Crop Insurance Regulations
(Single Policy)**AGENCY:** Federal Crop Insurance Corporation, USDA.**ACTION:** Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to issue a new part 499 in chapter IV of title 7 of the Code of Federal Regulations (CFR), effective for the 1991 and succeeding crop years, to contain one common set of crop insurance regulations and a common policy of insurance applicable to all such regulations now contained in 7 CFR chapter IV which will be applicable to all crop insurance policies sold by FCIC, or sold by private insurance companies and reinsured by FCIC under the provisions of a Standard Reinsurance Agreement when appropriate Crop Provisions are published.

The intended effect of this rule is to provide a standard set of regulations and a master policy for insuring most crops authorized under the provisions of the Federal Crop Insurance Act, as amended, that will: (1) Provide a common set of crop insurance regulations and terminology between FCIC and private insurance companies under a Standard Reinsurance Agreement; (2) substantially reduce the time involved in amendment or revision; and (3) eliminate the necessity of a repetitious review process thus substantially reducing the volume of paperwork processed by FCIC. This rule also clarifies FCIC's long standing position on the preemption of inconsistent state laws and regulations.

DATES: Written comments, data, and opinions on this proposed rule must be submitted not later than March 9, 1990, to be sure of consideration.

ADDRESSES: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC, 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental

Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is November 1, 1994.

John Marshall, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons and will not have a significant impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This program is not subject to the provisions of Executive Order 12612 (Federalism) and Secretary's Memorandum 1200-1 because:

- (1) The statutory mandate for preemption is express, clear, and unequivocal (7 U.S.C. 1506(k));
- (2) The Supreme Court of the United States has determined preemption in an express, clear and unequivocal manner (*Federal Crop Insurance Corporation v. Merrill*, 332 U.S. 380 (1947)); and
- (3) The provisions outlined in this regulation announce no new policy but only serve to clarify and enunciate the policy and provisions which have been in existence since prior to 1947.

FCIC proposes to issue one set of regulations containing one common policy of insurance applicable to all

such crops now contained in 7 CFR part 401 and which will be applicable to crop insurance policies sold by FCIC, or sold by private insurance companies and reinsured by FCIC under the provisions of a Standard Reinsurance Agreement. The proposal will insure that all recipients of the Federal Program are treated equally.

As revisions on individual policies are necessary, FCIC will publish a "crop provision" which will contain the language of the policy unique to that crop, and any exceptions to the common policy language necessary for that crop. When a crop provision is published in a section to part 499, effective for a subsequent crop year, the present policy contained in 7 CFR part 401, or in a separate part of chapter IV, will be revoked at the end of the crop year then in effect and later removed and reserved.

Certain portions of the common policy, by virtue of the differences between FCIC policies and Reinsured policies, with respect to Federal jurisdiction, appeals vs. arbitration, and treatment of amounts due (Federal off-set vs. private insurance collection procedures), are not identical. For this reason, and in the applicable sections, the common policy is published with FCIC policies in the left column and Reinsured policies in the right column. Where a commonality of language exists, the provisions are not separated and are jointly applicable.

FCIC is also proposing to clarify and further define its preemption of State laws and regulations in this rule. State statutes and regulations of the FCIC program have always been specifically preempted by the Federal Crop Insurance Act and the Supremacy Clause of the Constitution of the United States. See 7 U.S.C. 1506(k); *Federal Crop Insurance Corporation v. Merrill*, 332 U.S. 380 (1947). Despite this well recognized preemption of State law and regulation in the Federal Assistance Program, FCIC has encountered frequent occurrences of State agencies requiring change in federally approved insurance policies to the extent that neighboring policyholders receive differing levels of federal assistance depending on whether they obtain their policy from FCIC or from a reinsured company or depending on whether they live in differing States.

Additionally, many States have been asserting the right to tax premiums on the reinsured policies under various State taxing statutes. Since FCIC is required to reimburse the reinsured companies for their expenses, the incidence of these taxes falls on the

Corporation which, by virtue of 7 U.S.C. 1511, is exempt therefrom. The FCIC estimates that it has paid over \$15 million in the last year as reimbursement for State Premium taxes which should not have been assessed.

A number of instances have been reported where indemnities have not reached the intended recipient because of garnishments, liens, attachments, etc. served upon the reinsured companies under the various State laws. The clear statutory intent was that these assistance benefits be exempt from such interference. 7 U.S.C. 1509.

Judgements have been entered in State Courts under State Statutory or common law providing for the payment of punitive damages or providing for some multiplication of damages under "good faith" or some other State provision because of requirements of the FCIC Act or procedures and policy provisions mandated by the FCIC. The Federal Crop Insurance Act restricts the losses which can be covered and causes of losses which can be insured against. The procedures, rules, and terms of insurance are to be established by FCIC. Appropriations by the Congress are to be used for their intended purpose and not to pay judgements which may or may not bear any relation to the loss which has been incurred.

Obviously, reinsured companies cannot stand the risk of exorbitant damages imposed because of that company's following of FCIC mandated terms and procedures unless FCIC agrees to reimburse that company for those losses. Since appropriated funds may only be used for the purpose for which they were appropriated, the continuation of the delivery of the program through the reinsured companies depends on the straight forwarded clarification and declaration of federal preemption which has always existed but seldom been enforced.

The Federal Crop Insurance Act encourages the sales and service of policies under the Act through licensed agents and brokers. FCIC requires that the crop insurance program be delivered through the use of licensed agents and brokers by specifying the requirement that the persons selling or servicing its policies be licensed in certain generic categories by the State in which sales will occur. FCIC proposes to continue this requirement as being in accordance with the intent of the legislation and as a further protection of the intended recipients of this federal benefit.

FCIC, as always, remains open to suggestions from any person, including State insurance regulatory bodies, on ways to improve the program including changes in policy terms of conditions.

However, it is FCIC which must determine the necessity of and scope of such changes. They cannot be enforced in a patchwork pattern, with no regard for the requirements of, or the safeguards to the program.

FCIC has therefore, included, a proposal for Federal preemption in this proposed rule. Several specific preemptions are listed as examples only, and are not intended to be inclusive.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the *Federal Register*. Written comment should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

All written comments received pursuant to this proposed rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 499

Crop insurance, common policy basic provisions.

Proposed rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to add a new part 499, the Common Policy and Crop Provisions (7 CFR part 499), proposed to be effective for the 1991 and succeeding crop years, as follows:

PART 499—COMMON CROP INSURANCE REGULATIONS ; REGULATIONS FOR THE 1991 AND SUBSEQUENT CONTRACT YEARS

- Sec.
- 499.1 Applicability.
 - 499.2 Availability of Federal crop insurance.
 - 499.3 Premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed.
 - 499.4 OMB control numbers.
 - 499.5 Creditors.
 - 499.6 Good faith reliance on misrepresentation.
 - 499.7 The contract.
 - 499.8 State and local laws and regulations preempted.
 - 499.9 The application and policy.

Authority: 7 U.S.C. 1506, 1516.

§ 499.1 Applicability.

The provisions of this part are applicable only to crops for which a Crop Provision is published as a section

to 7 CFR part 499 and then only for the crops and crop years designated by the applicable section.

§ 499.2 Availability of Federal crop insurance.

(a) Insurance shall be offered under the provisions of this section on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended, (the Act). The crops and counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

(b) The insurance is offered through two methods. First, the Corporation offers the contract contained in this part directly to the insured through agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corporation. Second, companies reinsured by the Corporation offer contracts containing identical terms and conditions as the contract set out in this part. These contracts are clearly identified as being reinsured by the Corporation.

(c) No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a company which is reinsured by the Corporation.

(d) If a person has more than one contract under the Act outstanding on the same crop for the same crop year, all such contracts shall be voided for that crop year and the person will be liable for the premium on all contracts, unless the person can show to the satisfaction of the Corporation that the multiple peril contract insurance was inadvertent and without the fault of the person.

(e) If the multiple peril contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or premium will attach to the contracts so cancelled.

(f) The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums.

(g) An insured whose contract with the Corporation or with a company reinsured by the Corporation under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a company reinsured by the Corporation unless the insured can show that the default in the

prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligibility.

(h) All applicants for insurance under the Act must advise the agent, in writing, at the time of application, of any previous applications for insurance under the Act and the present status of any such applications or insurance.

§ 499.3 Premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed for the insured crop which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance or a coverage level and price from among those contained in the actuarial table for the crop year.

§ 499.4 OMB control numbers.

OMB control numbers are contained in subpart H to part 400 in title 7 CFR.

§ 499.5 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 499.6 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the crop insurance contract, whenever:

(a) A person entering into a contract of crop insurance under these regulations who, as result of misrepresentation or other erroneous action or advice by an agent or employee of the Corporation or reinsured company:

(1) Is indebted to the Corporation or the reinsured company for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(b) The Board of Directors of the Corporation (or its designee) or the reinsured company, as applicable finds that:

(1) The agent or employee did in fact make such misrepresentation or take other erroneous action or give erroneous advice;

(2) Said person relied thereon in good faith; and

(3) To require the payment of the additional premium or to deny said person's entitlement to indemnity would not be fair and equitable, such person shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation or the reinsured company (whichever is applicable) in writing. Arbitration panels established under contracts for insurance issued by reinsured companies may grant relief under this section if all applicable provisions have been established by the person seeking relief. Corporation hearing officers must, upon application by the person claiming relief under this section, refer such application to the appropriate official of the Corporation for determination as to whether to grant relief under this section. Corporation hearing officers do not have authority to grant relief under this section.

§ 499.7 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation or the reinsured company of a duly executed application for insurance on a form prescribed by the Corporation or the reinsured company. The contract shall cover the crop as provided in the common policy and the crop endorsement. The contract shall consist of the application, the policy, the crop provisions, the State Provisions, the county actuarial table, and any amendments thereto. Changes made in the contract shall not affect its continuity from year to year. No indemnity shall be paid unless the insured complies with all terms and conditions of the contract. The forms referred to in the contract are available at the offices of the crop insurance agent.

§ 499.8 State and local laws and regulations preempted.

(a) No State or local governmental body or non-governmental body shall have the authority to promulgate rules or regulations, pass laws, or issue policies or decisions that directly or indirectly affect or govern agreements, contracts, or actions authorized by this part unless such authority is specifically

authorized by this part or by the Corporation.

(b) The following is a non-inclusive list of examples of actions that State or local governmental entities or non-governmental entities are specifically prohibited from taking against the Corporation or any party that is acting pursuant to this part. Such entities may not:

(1) Impose or enforce liens, garnishments, or other similar actions against proceeds obtained, or payments issued in accordance with the Federal Crop Insurance Act, these regulations, or contracts or agreements entered into pursuant to these regulations;

(2) Tax premiums associated with policies issued hereunder;

(3) Exercise approval authority over policies issued;

(4) Levy fines, judgments, punitive damages, compensatory damages, or judgments for attorney fees or other costs against companies, employees of companies including agents and loss adjusters arising out of actions or inactions on the part of such individuals and entities authorized or required under the Federal Crop Insurance Act, the regulations, any contract or agreement authorized by the Federal Crop Insurance Act or by regulations, or procedures issued by the Corporation (Nothing herein is intended to preclude any action on the part of any authorized State regulatory body or any State court or any other authorized entity concerning any actions or inactions on the part of any agent, company or employee of any company whose action or inaction is not authorized or required under the Federal Crop Insurance Act, the regulations, any contract or agreement authorized by the Federal Crop Insurance Act or by regulations or procedures issued by the Corporation); or

(5) Assess any tax, fee, or amount for the funding or maintenance of any State or local insolvency pool or other similar fund.

The preceding list does not limit the scope or meaning of paragraph (a) of this section.

§ 499.9 The application and policy.

(a) Application for insurance on a form prescribed by, or approved by the Corporation must be made by any person who wishes to participate in the program, to cover such person's share in the insured crop as landlord, owner-operator, crop ownership interest, or tenant. No other person's interest in the crop may be insured under an application unless that person's interest is clearly shown on the application and

unless that other person's interest is insured in accordance with the procedures of the Corporation. The application must be submitted to the Corporation or the reinsured company through the crop insurance agent and must be submitted on or before the applicable sales closing date on file at the crop insurance agent's office.

(b) The Corporation or the reinsured company may reject or discontinue the acceptance of applications in any county or of any individual application upon the Corporation's or the reinsured

company's determination that the insurance risk is excessive. If the reinsured company rejects any application and such rejection is not required by the Corporation, the applicant must be immediately referred to an agent authorized to sell the Corporation's policies of insurance. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications in any county, by placing the extended date on file at the office of the crop insurance agent and publishing

a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the extended period or that such extension is required to comply with other programs of the United States Department of Agriculture. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications and will require that the reinsured companies also immediately discontinue such acceptance.

United States Department of Agriculture

Federal Crop Insurance Corporation

Common Crop Insurance Policy

(This is a continuous policy. Refer to section 2.)

FCIC Policies

Reinsured Policies

United States Department of Agriculture

Federal Crop Insurance Corporation

This is an insurance policy issued by the Federal Crop Insurance Corporation, a United States Government agency. The provisions of the policy are published in the **Federal Register** and in the Code of Federal Regulations (CFR) under the **Federal Register Act (44 U.S.C. 1501 et seq.)**, and may not be waived or varied in any way by the crop insurance agent or any other agent or employee of FCIC.

Throughout this policy, "you" and "your" refer to the named insured shown on the accepted Application and "we" "us" and "our" refer to the Federal Crop Insurance Corporation. Unless the context indicates otherwise, use of the plural form of a word includes the singular and use of the singular form of the word includes the plural.

This policy is reinsured by the Federal Crop Insurance Corporation (FCIC) under the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.). All provisions of the policy and rights and responsibilities of the parties are specifically subject to the Federal Crop Insurance Act. The provisions of the policy are published in chapter IV of title 7 of the **Federal Register** and in chapter IV of title 7 of the Code of Federal Regulations (CFR) under the **Federal Register Act (44 U.S.C. 1501 et seq.)**, and may not be waived or varied in any way by the crop insurance agent or any other agent or employee of the company.

In the event we cannot pay your loss, your claim will be settled in accordance with the provisions of this policy and paid by the FCIC. No state guarantee fund will be liable to pay your loss.

Throughout this policy "you" and "your" refer to the named insured shown on the accepted application and "we" "us" and "our" refer to the company providing the insurance. Unless the context indicates otherwise, use of the plural form of a word includes the singular and use of the singular form of the word includes the plural.

Agreement to Insure: In return for the payment of the premium, and subject to all of the provisions of this policy, we agree with you to provide the insurance as stated in this policy. If a conflict exists between the basic provisions contained herein and the specific Crop Provisions, the Crop Provisions will control.

Terms and Conditions

Basic Provisions

1. Definitions.

As used in this Policy these terms are defined as follows:

(a) **"Abandon"**—Failure to continue providing sufficient care, such as cultivation, irrigation, fertilization, application of chemicals, etc., consistent with good farming practices, for the insured crop to make normal progress toward harvest or maturity, or failure to harvest in a timely manner.

(b) **"Acreage report"**—A report required by section 6 of these basic provisions which contains, in addition to other required information, your report of your share of all acreage of an insured crop in the county whether insurable or uninsurable. This report must be filed prior to the final acreage reporting date contained in the State Provisions for the county for the crop insured.

(c) **"Another use, Notice of"**—The written notice required when you wish to put acreage to another use (see section 13).

(d) **"Application"**—The form required before insurance coverage will commence. This form must be completed and filed in your agent's office prior to the sale closing date (contained in the Crop Provisions) of the initial insurance year for each crop for which insurance coverage is requested.

(e) **"ASCS"**—The Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(f) **"ASCS Farm Serial Number"**—The number assigned to the farm by the ASCS County Committee.

(g) **"Assignment of indemnity"**—A transfer of policy rights, made on our form, and effective when approved by us. It is the arrangement whereby you assign your right to an indemnity payment to any party of your choice for the crop year.

(h) **"Billing date"**—The first date upon which an insured is billed for insurance coverage and which generally falls at or near harvest time.

(i) **"Cancellation date"**—The calendar date on which all policies will automatically renew unless canceled by either you or us by providing the other written notice. This is the last date for you to make changes in your crop insurance coverage.

(j) **"Claim for indemnity"**—(See: section 13)—A claim made by the insured for damage or loss to an insured crop and submitted to us not later than 60 days after the end of the insurance period.

(k) **"Contract change date"**—The calendar date by which we make any contract changes available for inspection in the office of your crop insurance agent (See: section 4).

(l) **"Consent"**—Approval in writing by us allowing you to take a specific action.

(m) **"County"**—The county shown on your summary of coverage.

(n) **"Coverage"**—The insurance provided by this policy against loss of insured

production by farm unit as shown on your summary of coverage.

(o) **"Coverage begins, Date"**—The date insurance begins on the crop, generally after planting is completed or the calendar date contained in the Crop Provisions (See: section 11).

(p) **"Crop Provisions"**—The part of the policy that contains the specific provisions of insurance for each crop insured.

(q) **"Crop year"**—The period within which the crop is normally grown and designated by the calendar year in which the insured crop is normally harvested.

(r) **"Damage"**—Injury, deterioration, or loss of production of the insured crop due to insured or uninsured causes.

(s) **"Damage, notice of"**—A written notice required to be filed in your agent's office whenever you believe that the insured crop has been damaged to the extent that a loss is probable (See: section 13).

(t) **"Earliest planting date"**—The earliest date established for planting the insured crop and qualifying for a replant payment if applicable (See: State Provisions and section 22).

(u) **"End of insurance period, Date of"**—The date upon which the insured's crop insurance coverage ceases for the crop year. (See State crop provisions and section 11).

(v) **"Insured"**—The person who submitted the application accepted by us. This term does not extend to any other person having a share or interest in the crop such as a partnership, landlord, or any other person unless specifically indicated on the accepted application.

(w) **"Insured crop"**—The crop defined under the provisions of the applicable Crop Provisions.

(x) **"Intent to abandon, Notice of"**—The written notice to us by you indicating that because of damage from an insured cause, the insured has decided to no longer care for or harvest any part of the crop.

(y) **"Late Planting Agreement"**—Available on selected crops. An amendment to the insurance policy which, when planting has been delayed, allows you to insure a crop planted after the final planting date in exchange for a reduction in coverage.

(z) **"Loss, Notice of"**—The notice required to be given by the insured not later than 10 days after certain occurrences (See: section 13).

(aa) **"Negligence"**—The failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

(bb) **"Person"**—An individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State or a political subdivision or agency of a State.

(cc) **"Practical to replant"**—Our determination, after loss or damage to the insured crop, based upon all factors, including, but not limited to moisture availability, condition of the field, time to crop maturity, etc., on the feasibility of replanting and harvesting the crop. It is not practical to replant after the final planting date (for crops without an offered Late Planting Agreement) or after 20 days after the final planting date (for crops with an offered Late Planting Agreement).

(dd) **"Policy"**—The insurance contract between you and us consisting of the application, these Basic Provisions, the Crop Provisions for the crops insured, the State Provisions and the applicable regulations as published at 7 CFR part IV.

(ee) **"Production report"**—A written record showing your annual production and used to determine the yield guarantee. (See: section 3). The report contains previous year yield information including planted acreage and harvested production. This report must be supported by written verifiable records from a warehouseman or buyer of the insured crop or by measurement of farm stored production.

(ff) **"Representative sample"**—Portions of the crop which are required to remain unharvested in the field for examination and review by our loss adjusters when making a crop appraisal. The samples are further defined in the crop provisions.

(gg) **"Reporting date"**—The acreage reporting date (contained in the State Provisions) by which you are required to report all your insurable and uninsurable acreage in the county in which you have a share and your share at the time insurance attaches.

(hh) **"Sales closing date"**—The date contained in the State Provisions which sets out the final date when an application may be filed.

(ii) **"Section"** (for the purposes of farm unit structure)—A unit of measure under the rectangular survey system describing a tract of land usually one mile square and usually containing approximately 640 acres.

(jj) **"Share"**—Your percentage of interest in the crop as an owner, operator or tenant at the time of coverage begins. However, only for the purpose of determining the amount of indemnity, your share will not exceed your share at the earlier of the time of loss or the beginning of harvest. Unless the application clearly indicates that insurance is requested for a partnership or joint venture, or is intended to cover the landlord share of the crop, insurance will only cover the crop share of the person completing the application. The insured share will not extend to any other person having an interest in the crop except as may otherwise be specifically allowed in this policy. We may consider any acreage or interest reported by or for your spouse, child or any member of your household to be your share. Leases containing provisions for both a cash or minimum payment and a crop share will be considered a crop share lease. We will adjust the share of the crop to consider the cash or minimum portion of the lease payment.

(kk) **"State"**—The state on your summary of coverage.

(ll) **"State Provisions"**—The part of the policy that outlines by state the specific provisions insurance for each crop insured.

(mm) **"Summary of Coverage"**—A listing, by farm unit, provided by us, of the crop insured and the amount of insurance for which coverage is provided.

(nn) **"Tenant"**—A person who rents land from another person for a share of the crop or a share of the proceeds of the proceeds of the crop. (See the definition of share above).

(oo) "Termination date"—The calendar date upon which your policy ceases for nonpayment of premium.

(pp) "Uninsurable acreage"—The land classified as not insurable by us and shown as such by maps and actuarial data available from your crop insurance agent.

(qq) "Unit"—All insurable acreage of the crop in the county on the date insurance attaches for the crop year:

- (1) in which you have a 100 percent share; or
- (2) which is owned by one entity and operated by another specific entity on a share basis.

(For example, if you rent land from five landlords, three on a crop share basis and two on a cash basis, you would be entitled to four units, one for each crop share lease and one for the two cash leases). Land rented for cash, a fixed commodity payment, a crop share with a minimum payment, or any consideration other than a share in the insured crop of land will be considered as owned by the lease. Land which would otherwise be one unit may, in certain instances, be divided according to guidelines contained in the applicable Crop Provisions. Units will be determined when the acreage is reported but may be adjusted to reflect the actual unit structure when adjusting a loss. No further division may be made at loss adjustment time.

2. Life of Policy, Cancellation, and Termination.

(a) This is a continuous policy and will remain in effect for each crop year following the signing of the original application. After acceptance of the application, you may not cancel this policy the initial crop year. Thereafter, the policy will continue in force for each succeeding crop year unless canceled or terminated as provided below.

(b) Either you or we may cancel this policy after the initial crop year by providing written notice to the other on or before the cancellation date shown in the State Provisions.

(c) All policies issued by us under the authority of the Federal Crop Insurance Act will terminate if any amount due us is not paid on or before the termination date contained in the State Provisions for the crop on which the amount is due. Unpaid debts will also make you ineligible for any crop insurance provided under the Federal Crop Insurance Act until payment is made. If we deduct any amount due us from an indemnity, the date of payment will be the date you sign the properly completed loss form.

(d) If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the policy will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after coverage begins for any crop year, the policy will continue in force through the crop year and terminate at the end of the insurance period and any indemnity will be paid to the person determined to be beneficially entitled to the indemnity. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

(e) If no premium is earned for three consecutive years, we may cancel your policy after notifying you.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

(a) For each crop year the insurance guarantee, coverage level and price at which an indemnity will be determined for each farm unit will be those used to calculate your Summary of Coverage. The information necessary to determine those factors will be contained in the State Provisions or in the actuarial material available from your crop insurance agent.

(b) You may select only one coverage level offered by us for each insured crop. Upon written notice you may change the coverage level, price election, or amount of insurance for the following crop year on or before the cancellation date for each insured crop which is shown on the Summary of Coverage. If you do not elect a coverage level, we will assign a coverage level which is designated for that purpose in the State Provisions. Since the price election or amount of insurance may change each year, if you do not select a new price election or amount of insurance before the next insurance year prior to the cancellation date, we will assign the price election (low, medium, high, variable) or amount of insurance which bears the same relationship to the price schedule as the price election or amount of insurance in effect for the preceding year (low, medium, high, variable).

(c) You must report production to us for the previous crop year by the earlier of the acreage reporting date or 45 days after the cancellation date for the current crop year. If you do not provide the required production report, we will assign a yield for the previous crop year. The yield assigned by us will not be more than 75% of the yield used by us to determine your guarantee for the previous crop year. The production report or assigned yield will be used to compute your production history for the purpose of determining your guarantee for the current crop year. If you have filed a claim for any crop year, the production used to determine the indemnity payment will be the production report for that year.

4. Policy Changes.

(a) We may change the coverage under this policy from year to year. Your crop insurance agent will have changes in policy provisions, price elections (or amounts of insurance), premium rates and program dates by the filing date contained in the Crop Provisions. In addition, you will be notified, in writing, of these changes. Such notification will be made at least 30 days prior to the cancellation date of the insured crop.

(b) The cancellation and termination dates are contained in the Crop Provisions.

5. Liberalization.

If we adopt any revisions which would broaden the coverage under this policy without additional premium, the broadened coverage will apply.

6. Report of Acreage.

(a) An annual acreage report must be submitted to us on our form for each crop insured in the county on or before the acreage reporting date shown in the State Provisions. This report must include the following information:

- (1) All acreage of the crop (insurable and uninsurable) in which you have a share;
 - (2) Your share at the time coverage begins;
 - (3) The practice;
 - (4) The type; and
 - (5) The date the insured crop was planted.
- (b) If you do not have a share in any insured crop in the county for the crop year, you must submit an acreage report indicating zero insurable acres.

(c) Because incorrect reporting on the acreage report may have the effect of changing your premium and any indemnity which may be due, you may not revise this report after the acreage reporting date without our consent.

(d) We may elect to determine all premiums and indemnities based on the information you submit on the acreage report or which we determine to have actually existed.

(e) If you do not submit an acreage report, or fail to report all units, we may elect to determine by unit the insurable crop acreage, share, type and practice or deny liability on any unit.

(f) If the information reported by you on the acreage report for a unit results in a lower premium than the actual premium determined to be due on the basis of the share, acreage, practice, type or other material information determined to actually exist, the per-acre production guarantee or amount of insurance on the unit will be reduced proportionately. In the event that acreage is under-reported, all production from insurable acreage, whether or not reported as insurable, will count against the guarantee.

7. Annual Premium.

(a) The annual premium is earned and payable at the time coverage begins. Your premium payment, plus any accrued interest, will be considered delinquent if any amount due us is not paid on or before the termination date specified in the State Provisions.

(b) Any amount due us may be deducted from any replant payment or indemnity due you under the provisions of this policy.

(c) The annual premium amount is determined by either:

(1) Multiplying the production guarantee per acre times the price election, times the premium rate, times the insured acreage, times your share at the time coverage begins, times any premium adjustment percentages that may apply; or

(2) Multiplying the amount of insurance per acre times the premium rate, times the insured acreage, times your share at the time coverage begins, times any premium adjustment percentages that may apply.

8. Crop Insured.

(a) The crop insured will be that shown on your summary of coverage and specified in the Crop Provisions and must be grown on insurable acreage.

(b) A crop which will NOT be insured will include, but will not be limited to, any crop:

- (1) If the farming practices carried out are not in accordance with the farming practices for which the premium rates and production guarantees or amounts of insurance have been established;

(2) Initially planted after the final planting date, unless we allow and you agree in writing on our form, to a coverage reduction (the Late Planting Option is available only on selected crops);

(3) Of a type, class or variety not established as adapted to the area or excluded by the State Provisions;

(4) That is a volunteer crop;

(5) That is a second crop following the same crop (insured or uninsured) harvested in the same crop year unless specifically permitted by the Crop Provisions or the State Provisions;

(6) Which is planted for the development or production of hybrid seed or for experimental purposes, unless permitted by the Crop Provisions or unless we agree, in writing, to insure such crop; or

(7) Used for wildlife protection or management.

9. *Insurable Acreage.*

(a) The acreage upon which the crop is insured for each crop year is the insurable acreage, as designated by the State Provisions, which is planted to the insured crop in which crop you have a share.

(b) In addition to that acreage which is NOT insurable as designated by the State Provisions, acreage is also NOT insurable:

(1) Where a crop has not been planted and harvested in at least one of the three previous crop years, unless ASCS classifies such acreage as cropland and we agree in writing;

(2) Which has been strip-mined, unless we agree to insure such acreage in writing;

(3) Which does not meet the rotation requirements contained in the State Provisions;

(4) On which the crop is damaged, it is practical to replant to the insured crop, but the insured crop is not replanted; or

(5) Planted with a crop other than the insured crop;

(c) If insurance is provided for an irrigated practice, you must report as irrigated only that acreage for which you have adequate facilities and water, at the time coverage begins, to carry out a good irrigation practice.

(d) If acreage is irrigated and we do not provide a premium rate for an irrigated practice, you may either report and insure the irrigated acreage as "not irrigated," or report the irrigated acreage as uninsurable.

(e) We may restrict the amount of acreage which we will insure to the amount allowed under any acreage limitation program established by the United States Department of Agriculture if we notify you of that restriction prior to the time coverage begins.

10. *Share insured.*

(a) You may only insure your share as defined in section 1 above.

(b) A landlord (or tenant) may insure the tenant's (or landlord's) share of the crop if evidence of the other party's approval of that insurance is demonstrated (Lease, Power of Attorney, etc.). The respective shares must be clearly set out on the Acreage Report and a copy of the other party's approval must be retained in the insured's file. Indemnities will be paid in accordance with applicable shares.

11. *Insurance period.*

Coverage begins on each unit or part of a unit when the insured crop is planted or on the calendar date for the beginning of the insurance period if specified in the Crop Provisions, and ends at the earliest of:

(a) Total destruction of the insured crop on the unit;

(b) Harvest of the unit;

(c) Final adjustment of a loss on a unit; or

(d) The calendar date for the end of the insurance period contained in the Crop Provisions.

12. *Causes of loss.*

The insurance provided is against only unavoidable loss of production directly caused by specific causes of loss contained in the crop provisions. All other causes of loss, including but not limited to the following, are NOT covered:

(a) Negligence, mismanagement, or wrongdoing by you, any member of your family or household, your tenants, or employees;

(b) The failure to follow recognized good farming practices for the insured crop;

(c) Water contained by any governmental, public, or private dam or reservoir project;

(d) Failure or breakdown of irrigation equipment or facilities;

(e) Failure to carry out a good irrigation practice for the insured crop if applicable; or

(f) Flooding on any unit subject to a flood or water flowage easement unless allowed by the Crop Provisions.

13. *Duties in the event of loss or damage.*

Your Duties:

(a) In case of damage to any insured crop you must:

(1) Protect the crop for further damage by providing sufficient care.

(2) Give us notice within 72 hours of your discovery of damage, by farm unit, for each insured crop. This notice must be given no later than 15 days after the end of the insurance period.

(3) Leave representative unharvested samples intact for each field of the damaged unit that you intend to harvest if required by the Crop Provisions.

(b) You must give us notice within 72 hours of the time you abandon the insured crop.

(c) You must obtain consent from us before, and notify us after you:

(1) Destroy any of the insured crop which is not harvested;

(2) Put the insured crop to an alternative use; or

(3) Put the acreage to another use.

We will not give such consent if it is practical to replant the crop or until we have made an appraisal of the potential production of the crop.

(d) In addition to complying with all other notice requirements, you must submit a written claim declaring your loss not later than 60 days after the end of the insurance period. This claim must include all the information we require to settle the claim.

(e) Upon our request, you must:

(1) Provide a complete harvesting and marketing record or each insured crop by farm unit including separate records showing the same information for production from any uninsured acreage; and

(2) Submit to examination under oath;

(f) You must establish the total production and value received for the insured crop on the farm unit and that any loss of production or value has been directly caused by one or more of the insured causes during the insurance period.

(g) All notices required in this section that must be received by us within 72 hours may be made by telephone or in person to your crop insurance agent but must be confirmed in writing within 15 days.

Our Duties:

(a) If you have complied with all the policy provisions we will pay your loss within 30 days after:

(1) We reach agreement with you; or

(2) The entry of a final judgment by a court of competent jurisdiction.

(b) In the event we are unable to pay your loss within 30 days, we will give you notice of our intentions within the 30 day period.

(c) We may defer the adjustment of a loss until the amount of loss can be accurately determined. We will not pay for additional damage resulting from your failure to provide sufficient care for the crop during the deferral period.

(d) We recognize and apply the loss adjustment procedures established or approved by the Federal Crop Insurance Corporation.

14. *Abandonment.*

You must not abandon any crop to us. We will not accept any crop as compensation for payments due us.

For FCIC Policies

15. Appeals.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulation (7 CFR part 400, subpart J).

For Reinsured Policies

15. Arbitration.

If you and we fail to agree on the production to be counted against the production guarantee due to damage, the following procedure will be used:

(a) Either party may demand in writing, that the amount of production to be counted be set by appraisal.

(b) Each party will select an appraiser and notify the other of the appraiser's identity within 15 days after receipt of the written demand.

(c) The two appraisers will then select an umpire. If the two appraisers are unable to agree upon an umpire within 15 days, you or we can ask a judge of a court of record in the state in which the insured crop is grown to select an umpire.

(d) The appraisers will set the production to be counted against the production guarantee. When the appraisers submit a written report of an agreement to us, the amount agreed upon will be the production to be counted against the production guarantee.

(e) If the appraisers fail to agree within 15 days they must submit their difference to the umpire. A signed written agreement by two of the three will establish the production to be counted against the production guarantee. Each appraiser must be paid by the party selecting that appraiser. Other expenses of the appraisal and compensation of the umpire will be paid equally by you and us.

16. Access to Crop and Record Retention.

(a) We reserve the right to examine the crop as often as we reasonably require.

(b) For three years after the end of the crop year, you must provide, upon our request, complete records of the harvesting, storage, shipment, sale, or other disposition of all the insured crop produced on each farm unit. You must, also upon our request, provide separate records showing the same information for production from any uninsured acreage. We may extend the record retention period beyond three years by notifying you of such extension in writing. Failure to keep and maintain such records may, at our option, result in:

- (1) Cancellation of the policy;
 - (2) Assignment of production to units by us; or
 - (3) A determination that no indemnity is due.
- (c) Any persons designated by us will, at any time during the record retention period, have access:

- (1) To any records relating to this insurance at any location where such records may be found or maintained; and
- (2) To the farm.

(d) By applying for insurance under the Act or by continuing insurance previously applied for, you authorize us, or any person acting for us, to obtain records relating to the crop from any person who may have custody of those records including, but not limited to, banks, warehouses, gins, cooperatives, marketing associations, accountants, etc. You must assist us in obtaining all records which we request from third parties.

17. Other Insurance.**(a) Other Like Insurance.**

You must not obtain any other crop insurance under the Federal Crop Insurance Act (Multiple Peril Crop Insurance Policy or Federal Crop Insurance Policy) on your share of the insured crop. If we determine that more than one policy on your share is intentional, you may be subject to the fraud provisions under this policy. If we determine that the violation was not intentional, the policy with the earliest date of application will be in force and all other policies will be void. Nothing in this paragraph prevents the insured from obtaining other insurance not issued under the Act.

(b) Other Insurance Against Fire.

If you have other insurance, whether valid or not, against damage by fire during the

insurance period, and you have not excluded coverage for fire from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this policy without regard to any other insurance; or

(2) The amount by which the loss from fire is determined to exceed the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the farm unit involved before the fire and after the fire, as determined from appraisals made by us.

18. Conformity to Food Security Act.

Your policy will be cancelled if you are determined to be ineligible to receive benefits under the Federal Crop Insurance Act due to violation of the Conservation Provision (title XII) or the Controlled Substance Provision (title XVII) of the Food Security Act of 1985 (Pub. L. 99-198) and the regulations promulgated under the Act by the United States Department of Agriculture (USDA). We will recover any and all monies paid to you or received by you and your premium will be refunded.

19. Amounts Due Us.

(a) Any delinquent amount due us may be deducted from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies or from any amount due you from any other United States Government Agency.

(b) Interest will accrue at the rate of one and one-fourth percent (1¼%) simple interest per calendar month, or any part thereof, on any unpaid balance due us.

(c) For the purpose of premium amounts due us, interest will start on the first day of the month following the first premium billing date.

(d) For the purpose of any other amounts due us, such as repayment of indemnities found not to have been earned, interest will start on the date that notice is issued to you for the collection of the unearned amount. Amounts found due under this paragraph will not be charged interest if payment is made within 30 days of issuance of the notice by us. The amount will be considered delinquent if not paid within 30 days of the date the notice is issued by us.

(e) Interest and penalties will be charged in accordance with 31 U.S.C. 3717 and 4 CFR 102.13. The penalty for accounts more than 90 days delinquent (31 U.S.C. 3717(e)(2)) is six percent (6%) per annum.

(f) Interest on any amount due us found to have been received by you because of fraud, misrepresentation or presentation by you of a false claim will start on the date you received the amount with the 6% penalty beginning 90 days after the notice of amount due is issued to you. This interest is in addition to any other amount found to be due under any other federal criminal or civil statute.

(g) All amounts paid will be applied first to the payment of the expenses of collection on delinquent accounts, second to the reduction of any penalties which may have been assessed then to reduction of accrued interest, then to reduction of the principal balance.

(h) If we determine that it is necessary to contract with a collection agency or to employ an attorney to assist in collection, you agree to pay all of the expenses of collection. Those expenses will be paid before the application of any amounts to interest or principal.

19. Amounts Due Us.

(a) Interest will accrue at the rate of one and one-fourth percent (1¼%) simple interest per calendar month, or any part thereof, on any unpaid due us. For the purpose of premium amounts due us, the interest will start on the first day of the month following the first premium billing date.

(b) For the purpose of any other amounts due us, such as repayment of indemnities found not to have been earned, interest will start on the date of the notice to you for the collection of the unearned amount. Amounts found due under this paragraph will not be charged interest if payment is made within 30 days of issuance of the notice by us. The amount will be considered delinquent if not paid within 30 days of the date the notice is issued by us.

(c) All amounts paid will be applied first to expenses of collection fees (see d below) if any, second, to the reduction of accrued interest, and then to the principal balance.

(d) If we determine that it is necessary to contract with a collection agency or to employ an attorney to assist in collection, you agree to pay all of the expenses of collection. Those expenses will be paid before the application of any amounts to interest or principal.

20. Legal Action Against Us.

(a) You may not bring legal action against us unless you have complied with all of the policy provisions.

(b) If you do take legal action against us you must do so within 12 months of the date of denial of the claim. Suit must be brought in accordance with the provisions of 7 U.S.C. 1508(c).

(c) Your right to recover damages (compensatory, punitive, or other), attorney's fees, or other charges may be limited or excluded by this contract or by Federal Regulations. State and local laws and regulations in conflict with this contract and in conflict with the applicable regulations do not apply to this policy.

21. Production Included in Determining Indemnities.

(a) The total production to be counted for a unit will include all production determined in accordance with the Policy.

(b) The amount of production of any unharvested insured crop may be determined on the basis of our field appraisals conducted after the end of the insurance period.

(c) If you elect to exclude hail and fire as insured causes of loss and the insured crop is damaged by hail or fire, appraisals will be made in accordance with the applicable Form FCI-78 or FCI-78-A, "Request To Exclude Hail and Fire."

22. Replanting Payment.

(a) If allowed by the Crop Provisions, a replanting payment may be made on an insured crop replanted after we have given consent and the acreage replanted is at least the lesser of 20 acres or 20 percent of the insured acreage for the unit (as determined on the final planting date).

(b) No replanting payment will be made on acreage:

(1) On which our appraisal establishes that production will exceed the level set by the crop endorsement;

(2) Initially planted prior to the date established by the State Provisions; or

(3) On which one replanting payment has already been allowed for the crop year.

(c) The replanting payment per acre will be your actual cost for replanting, but will not exceed the amount determined in accordance with the Crop Provisions.

(d) If the information reported by you on the acreage report results in a lower premium than the actual premium determined to be due based on the acreage, share, practice, or type determined actually to have existed, the

replanting payment will be reduced proportionately.

(e) No replanting payment will be paid for replanting any crop after the final planting date (or for those crops where a Late Planting Option is available, 20 days following the final planting date).

23. Payment and Interest Limitations.

(a) Under no circumstances will we be liable for the payment of damages (compensatory, punitive, or other), attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. (State and local laws to the contrary are not applicable to this insurance contract.)

(b) We will pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment of a court of competent jurisdiction, from and including the 31st day after the date you sign, date and submit to us the properly completed claim on our form. Interest will be paid only if the reason for our failure to timely pay is NOT due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the *Federal Register* semiannually on or about January 1 and July 1 of each year and will vary with each publication.

24. Concealment, Misrepresentation or Fraud.

This policy will be void in the event you have falsely or fraudulently concealed either the fact that you are restricted from receiving benefits under the Federal Crop Insurance Act or that action is pending which may restrict your eligibility to receive such benefits. We will also void this policy if you or anyone assisting you has intentionally concealed or misrepresented any material fact relating to this or any other FCIC or FCIC reinsured policy. This voidance will not affect your obligation to pay premiums or waive any of our rights under this policy, including the right to collect any amount due us. The voidance will be effective as of the time coverage began for the crop year within which such act occurred.

25. Transfer of Coverage and Right to Indemnity.

If you transfer any part of your share during the crop year, you may transfer your coverage rights. The transfer must be on our

form and approved by us. Both you and the person to whom you transfer your interest are jointly and severally liable for the payment of the premium. The transferee has all rights and responsibilities under this policy consistent with the transferee's interest.

26. Assignment of Indemnity.

You may assign to another party your right to an indemnity for the crop year. The assignment must be on our form and will not be effective until approved in writing by us. The assignee will have the right to submit all loss notices and forms as required by the policy.

27. Subrogation (Recovery of loss from a third party).

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve this right. If we pay you for your loss, your right to recovery will, at our option, belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

28. Nonconformity to Statutes.

If the provisions of this policy conflict with statutes of the State in which this policy is issued the policy provisions will prevail.

29. Descriptive Headings.

The descriptive headings of the various policy provisions are formulated for convenience only and are not intended to affect the construction or meaning of any of the policy provisions.

30. Notices.

All notices required to be given by you must be in writing and received by your crop insurance agent within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice. All notices and communications required to be sent by us to you will be mailed to the address contained in your records located with your Crop Insurance Agent. You should advise us immediately of any change of address.

Done in Washington, DC, on February 1, 1990.

David W. Gabriel,

Acting Deputy Manager, Federal Crop Insurance Corporation.

[FR Doc. 90-2762 Filed 2-6-90; 8:45 am]

BILLING CODE 3410-08-M