

the basis of all relevant matter contained in the entire record before it. The Board shall not hear cases *de novo* or receive new evidence into the record.

Enforcement Remedies

§ 9.108 What are the consequences to a contractor of not complying with the Executive Order?

(a) The Executive Order provides that the Secretary shall have the authority to issue orders prescribing appropriate remedies, including, but not limited to, requiring employment of the predecessor contractor's employees and payment of wages lost.

(b) After an investigation and a determination by the Administrator that lost wages or other monetary relief is due, the Administrator may direct that so much of the accrued payments due on either the contract or any other contract between the contractor and the Government shall be withheld in a deposit fund as are necessary to pay the moneys due. Upon the final order of the Secretary that such moneys are due, the Administrator may direct that such withheld funds be transferred to the Department of Labor for disbursement.

(c) If the contracting officer or the Secretary finds that the predecessor contractor has failed to provide a list of the names of employees working under the contract in accordance with § 9.6(c), the contracting officer may take such action as may be necessary to cause the suspension of the payment of funds until such time as the list is provided to the contracting officer.

§ 9.109 Under what circumstances will ineligibility sanctions be imposed?

(a) Where the Secretary finds that a contractor has failed to comply with any order of the Secretary or has committed willful violations of the Executive Order or these regulations, the Secretary may order that the contractor and its responsible officers, and any firm in which the contractor has a substantial interest, shall be ineligible to be awarded any contract or subcontract of the United States for a period of three years.

(b) Upon order of the Secretary, the names of persons or firms found to be ineligible for contracts in accordance with this section shall be added to the "List of Parties Excluded from Federal Procurement and Nonprocurement Programs," compiled, maintained and distributed by the General Services Administration in accordance with 48 CFR 9.404. No contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or

firms have a substantial interest until three years have elapsed from the date the persons' or firms' name was entered on the electronic version of the list.

Subpart C—Definitions

§ 9.200 Definitions.

For purposes of this part:

Administrator means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and includes any official of the Wage and Hour Division authorized to perform any of the functions of the Administrator under this part.

Contract means any prime contract subject wholly or in part to the provisions of the Executive Order.

Contracting officer means the individual, a duly appointed successor, or authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency.

Executive Order or Order means Executive Order 12933 (59 FR 53559, October 24, 1994).

Federal Government means an agency or instrumentality of the United States which enters into a contract pursuant to authority derived from the Constitution and the laws of the United States.

Secretary means the Secretary of Labor or his/her authorized representative.

Service employee means any person engaged in the performance of recurring building services other than a person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in Part 541 of Title 29, Code of Federal Regulations, and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor and such person.

United States means the United States and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States, including corporations, all or substantially all of the stock of which is owned by the United States, by the foregoing departments, establishments, agencies, instrumentalities, and including non-appropriated fund instrumentalities.

Appendix A to Part 9—Notice to Building Service Contract Employees

The contract for (type of service) services currently performed by (predecessor contractor) has been awarded to a new contractor. (Successor contractor) will begin performance on (date successor contract begins).

As a condition of the new contract:

fi (Successor contractor) may be required to offer employment to most current contract employees.

fi If you are offered employment on the new contract, you will have at least ten (10) days to accept the offer.

The following factors are reasons why some current employees may not be offered employment on the new contract:

fi Managerial or supervisory employees on the current contract are not entitled to an offer of employment.

fi The new contractor may reduce the size of the current work force. Therefore, only a portion of the existing work force may receive employment offers.

fi The new contractor may have the right to employ some or all of its current employees on the new contract before offering employment to the existing contract employees.

fi Employees whose performance has been unsuitable on the current contract are not entitled to employment with the new contractor.

If you have any questions about your right to employment on the new contract, contact: (Name, address, and telephone # for the contracting officer or the contracting officer's representative)

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 215, 217, and 219

RIN 0596-AB20

National Forest System Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Notice; reopening of public comment period.

SUMMARY: On April 13, 1995, the Forest Service gave notice in the **Federal Register** (60 FR 18886) of a proposed rule comprehensively revising the National Forest System Land and Resource Planning regulations in 36 CFR Part 219 and invited public comment. The comment period of this proposed rule ended July 12, 1995. However, the agency has received numerous requests from reviewers for additional time to complete the review and prepare responses; accordingly, the Forest Service is granting an additional 30-day comment period during which reviewers may submit written comments on the proposed rule.

DATES: Comments must be received in writing by August 17, 1995.

ADDRESSES: Send written comments to Director, Ecosystem Management (1920), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.