

Federal Reserve

Monday
May 13, 1996

Part XXXV

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III and 48 CFR Ch. 99

Federal Regulations; OMB Circulars, OFPP Policy Letters, and CASB Cost Accounting Standards Included in the Semiannual Agenda of Federal Activities

AGENCY: Office of Management and Budget.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities for OMB Circulars, Office of Federal Procurement Policy (OFPP) Policy Letters, and Cost Accounting Standards Board (CASB) Cost Accounting Standards.

OMB Circulars and OFPP Policy Letters are published in accordance

with OMB's internal procedures for implementing Executive Order No. 12866 (October 4, 1993; 58 FR 51735). OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31, United States Code; Executive Order No. 11541; and other specific authority as cited. OMB Circulars and OFPP Policy Letters communicate guidance, instructions, and information of a continuing nature to executive branch agencies. As such, most OMB Circulars and OFPP Policy Letters are not regulations. Nonetheless, because these issuances are typically of public interest, they are generally published in the Federal Register in both proposed (for public comment) and final stages. For this reason, they are presented below in the standard format of "prerule," "proposed rule," and "final rule" stages.

CASB Cost Accounting Standards are issued under authority derived from 41

U.S.C. 422. Cost Accounting Standards are rules governing the measurement, assignment, and allocation of costs to contracts with the United States Government.

For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact John B. Arthur, (202) 395-3060, at the above address.

Dated: April 8, 1996.

John B. Arthur,

Associate Director for Administration.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3713	Classification, Downgrading, Declassification and Safeguarding of National Security Information	0348-AB34
3714	Release of Official Information in Litigation and Testimony by OMB Personnel as Witnesses	0348-AB35
3715	Federal Participation in the Development and Use of Voluntary Standards (Circular A-119)	0348-AB37
3716	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AB36
3717	Cost Accounting Standards Administration	0348-AB25

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3718	Order Providing for the Confidentiality of Statistical Information	0348-AB38
3719	Cost Principles for Educational Institutions (OMB Circular A-21)	0348-AB23
3720	A Guide for Writing and Administering Performance Statements of Work for Service Contracts (OFPP Pamphlet No. 4)	0348-AA34
3721	Rescission of OMB Circular No. A-88	0348-AB07
3722	Cost Principles for Non-Profit Organizations (Circular No. A-122)	0348-AB01
3723	Audits of Institutions of Higher Education and Other Non-Profit Organizations (Circular No. A-133)	0348-AB22
3724	Subcontracting Plans	0348-AB31

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3725	Audit Followup (Circular No. A-50)	0348-AB09
3726	Performance of Commercial Activities (Circular No. A-76)	0348-AA45
3727	Rescission of OMB Circular No. A-106	0348-AB32
3728	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76
3729	Recognition and Pricing of Changing Capital Asset Values Resulting From Mergers and Business Combinations ...	0348-AB20

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Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3730	Cost Accounting Standards Board Disclosure Statement Form (CASB DS-1)	0348-AB24

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

3713. • CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION**Priority:** Other**Legal Authority:** EO 12958**CFR Citation:** 05 CFR 1312**Legal Deadline:** None

Abstract: OMB is revising its regulations on the classification, downgrading, declassification and safeguarding of National Security Information. This is done pursuant to Executive Order 12958, "Classified National Security Information".

Timetable:

Action	Date	FR Cite
Proposed revision	05/00/96	
Final revision	08/00/96	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Darrell A. Johnson, Deputy Assistant Director for Administration, Office of Management and Budget

Phone: 202 395-5715

RIN: 0348-AB34**3714. • RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND TESTIMONY BY OMB PERSONNEL AS WITNESSES****Priority:** Other**Legal Authority:** 31 USC 502**CFR Citation:** 05 CFR 1305 (New)**Legal Deadline:** None

Abstract: This directive establishes policy, assigns responsibilities, and prescribes procedures for the release of official OMB information in litigation and for testimony by OMB personnel as witnesses during litigation.

Timetable:

Action	Date	FR Cite
Proposed	06/00/96	
Final Action	10/00/96	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Steve Aitken, Assistant General Counsel, Office of Management and Budget, Room 464 OEOB, 17th and Pennsylvania Ave. NW., Washington, DC 20503

Phone: 202 395-4728

Fax: 202 395-7294

RIN: 0348-AB35**3715. • FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY STANDARDS (CIRCULAR A-119)****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 1111; 44 USC 35; PL 104-113, sec 12**CFR Citation:** None**Legal Deadline:** None

Abstract: This Circular encompasses Federal participation in the development and use of voluntary standards in procurement, regulatory, and other applications. This Circular is being revised to reflect new requirements in PL 104-113 and to strengthen Federal policy with respect to reliance on voluntary, consensus based standards and conformity assessment procedures.

Timetable:

Action	Date	FR Cite
Proposed Revision	07/00/96	
Final Revision	12/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Virginia Huth, Policy Analyst, Office of Management and Budget, 725 17th St. NW., Room 10236, Washington, DC 20503

Phone: 202 395-6929

Fax: 202 395-5167

Email: huth-v@a1.eop.gov

RIN: 0348-AB37**3716. • POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 104-106**CFR Citation:** None**Legal Deadline:** None

Abstract: OMB Circular A-130, Management of Federal Information Resources, establishes policies for the management of federal information resources and provides certain procedures and analytical guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Information Technology Management Reform Act (ITMRA) of 1996, P.L. 104-106. This proposed revision is part of the reinventing government effort.

Timetable:

Action	Date	FR Cite
Proposed Revision	05/00/96	
Final Revision	08/00/96	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Jasmeet Sehra, Senior Policy Analyst, Office of Management and Budget, Room 10236, NEOB, 725 17th St. NW., Washington, DC 20503

Phone: 202 395-3785

Fax: 202 395-5167

RIN: 0348-AB36

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Proposed Rule Stage

3717. COST ACCOUNTING STANDARDS ADMINISTRATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 422**CFR Citation:** 48 CFR 99**Legal Deadline:** None**Abstract:** The Cost Accounting Standards Board is proposing to revise its rules concerning cost accounting practice changes.**Timetable:**

Action	Date	FR Cite
ANPRM	04/25/95	60 FR 20252
ANPRM Comment Period End	07/10/95	
NPRM	08/00/96	
NPRM Comment Period End	11/00/96	

Small Entities Affected: None**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is no

statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Rudolph Schuhbauer, Project Director, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503

Phone: 202 395-3254

RIN: 0348-AB25**OFFICE OF MANAGEMENT AND BUDGET (OMB)****Final Rule Stage****3718. • ORDER PROVIDING FOR THE CONFIDENTIALITY OF STATISTICAL INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 1104(d); EO 10253; 44 USC ch 35**CFR Citation:** None**Legal Deadline:** None**Abstract:** The proposed order is intended to clarify, and make consistent, government policy protecting the privacy and confidentiality interests of individuals or organizations who furnish data for Federal statistical programs.**Timetable:**

Action	Date	FR Cite
Proposed Order	01/29/96	61 FR 2876
Final Order	06/00/96	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Katherine Wallman, Chief, Statistical Policy Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St. NW., Rm. 10201 NEOB, Washington, DC 20503
Phone: 202 395-3093
Fax: 202 395-7245**RIN:** 0348-AB38**Abstract:** This Circular establishes cost accounting principles and specifies the allowability of costs charged to federally-funded sponsored agreements. The proposal makes certain standards of the Cost Accounting Standards Board applicable to awards made to institutions, and may amend other provisions of the Circular.**Timetable:**

Action	Date	FR Cite
Two Proposed Revisions	02/06/95	60 FR 7104
Final Revision	04/00/96	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993**RIN:** 0348-AB23**3720. A GUIDE FOR WRITING AND ADMINISTERING PERFORMANCE STATEMENTS OF WORK FOR SERVICE CONTRACTS (OFPP PAMPHLET NO. 4)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 405(a)**CFR Citation:** None**Legal Deadline:** None**Abstract:** The OFPP performance-based service contracting team is developing a best practices/lessons learned guidebook. At that time, OFPP Pamphlet No. 4 will be rescinded.**Timetable:**

Action	Date	FR Cite
To Be Withdrawn	05/00/96	

Small Entities Affected: Businesses**Government Levels Affected:** Federal**Agency Contact:** Linda Mesaros, Management Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503
Phone: 202 395-4821**RIN:** 0348-AA34**3721. RESCISSION OF OMB CIRCULAR NO. A-88****Priority:** Other**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111**CFR Citation:** None**Legal Deadline:** None**Abstract:** This Circular provides policies for: (a) establishing indirect cost rates, (b) auditing, (c) correcting systems deficiencies, and (d) resolving questioned cost. This Circular will be rescinded.**Timetable:**

Action	Date	FR Cite
Notice of Proposed Rescission	02/06/95	60 FR 7105
Rescission	04/00/96	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503**3719. COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS (OMB CIRCULAR A-21)****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111**CFR Citation:** None**Legal Deadline:** None

OMB

Final Rule Stage

Phone: 202 395-3993

RIN: 0348-AB07

3722. COST PRINCIPLES FOR NON-PROFIT ORGANIZATIONS (CIRCULAR NO. A-122)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 3111**CFR Citation:** None**Legal Deadline:** None**Abstract:** This circular establishes cost principles for non-profit organizations. The 1995 proposed revision will be finalized.**Timetable:**

Action	Date	FR Cite
Proposed Revision	09/26/94	59 FR 49090
Final Revision	10/06/95	60 FR 52516
Second Proposed Revision	10/06/95	60 FR 52522
Final Revision of 2nd Proposal	06/00/96	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB01

3723. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NON-PROFIT ORGANIZATIONS (CIRCULAR NO. A-133)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111**CFR Citation:** None**Legal Deadline:** None**Abstract:** This circular establishes requirements for audits of institutions of higher education and other non-profit organizations. Agencies will implement the revision by codifying it in their own regulations.**Timetable:**

Action	Date	FR Cite
Proposed Revision	03/17/95	60 FR 14594
Final Revision	04/00/96	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Sheila Conley, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB22

3724. SUBCONTRACTING PLANS**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 637(d); PL 103-355, sec 1091; 41 USC 405**CFR Citation:** 48 CFR 19.7**Legal Deadline:** None**Abstract:** OFPP proposes to issue a Policy Letter that covers subcontracting plans. This Policy Letter supersedes and cancels OFPP Policy Letter 80-1, 80-2, Supplement No. 1 to 80-2, and 80-4.**Timetable:**

Action	Date	FR Cite
Proposed Policy Letter	09/26/95	60 FR 49644
Final Policy Letter	05/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.**Agency Contact:** Linda Mesaros, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503
Phone: 202 395-4821
Fax: 202 395-5105

RIN: 0348-AB31

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Completed Actions

3725. AUDIT FOLLOWUP (CIRCULAR NO. A-50)**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC app 3, the Inspector General Act of 1978, as amended; 31 USC 1111**CFR Citation:** None**Legal Deadline:** None**Abstract:** Circular A-50 establishes policies and procedures to be used by Federal agencies in the review of audit reports. OMB previously stated a proposed revision would be issued. This action has been withdrawn.**Timetable:**

Action	Date	FR Cite
Withdrawn	02/15/96	

Small Entities Affected: None**Government Levels Affected:** Federal**Agency Contact:** Suzanne Murrin, Management Analyst, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-6911

RIN: 0348-AB09

3726. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)**Priority:** Other Significant**Legal Authority:** 31 USC 503(b); 31 USC 1111; 41 USC 405(a), sec. 6(a), The OFPP Act, as amended; EO 8248, sec. 2, as amended; Reorganization Plan No. 2 of 1970; EO 11541, sec. 1, as amended; EO 12615, sec. 2**CFR Citation:** None**Legal Deadline:** None**Abstract:** OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector. The Circular's Supplemental Handbook provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. The Supplemental Handbook to Circular A-76 has been revised this year to incorporate changes including those recommended by the President's Council for Management Improvement. This revision is part of the Reinventing Government effort.

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Completed Actions

Timetable:

Action	Date	FR Cite
Proposed Revision	10/25/95	60 FR 54394
Final Revision	04/01/96	61 FR 14338

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David C. Childs, Policy Analyst, Office of Management and Budget, Budget Review Division, Washington, DC 20503
Phone: 202 395-6104
Fax: 202 395-7230

RIN: 0348-AA45

3727. RESCISSION OF OMB CIRCULAR NO. A-106

Priority: Other

Legal Authority: 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: This circular provided procedures to be followed by Federal agencies in developing reports and plans pertaining to the control of environmental pollution from existing Federal facilities. This circular will be rescinded and, for ongoing data requirements, agencies will report under E.O. 12088, "Federal Compliance With Pollution Control Standards" using their own in-house data systems. This action is part of the Reinventing Government effort. The rescission will be effective April 8, 1996, unless otherwise noted in the Federal Register.

Timetable:

Action	Date	FR Cite
Notice of Proposed Rescission	01/22/96	61 FR 1654
Rescission Effective	04/08/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kevin Neyland, Office of Management and Budget, Natural Resources Division, Washington, DC 20503
Phone: 202 395-3703

RIN: 0348-AB32

3728. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 3504; 5 USC 552a; 40 USC 759; 40 USC 487; EO 12046; EO 12472

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources," issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB has reviewed the Circular for consistency with the Computer Security Act of 1987 (PL 100-235) and the Computer Matching and Privacy Protection Act of 1988. On June 25, 1993, OMB completed the first of three revisions to the Circular. On July 15, 1994, OMB completed the second revision and on February 8, 1996, OMB completed the third revision which consisted of changes to the computer security Appendix of the Circular. This revision was part of the Reinventing Government effort. A separate proposal in response to recent legislation is being included in the "Proposed" section of the Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal of Changes	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal To Replace Circular	06/15/89	54 FR 25554
Third Advance Proposal To Replace Circular	03/04/91	56 FR 9026
Proposal To Replace Circular	04/29/92	57 FR 18296
First Phase Revision Final	06/25/93	58 FR 36068
Second Phase Revision Proposed	09/10/93	58 FR 47790
Second Phase Revision Final	07/25/94	59 FR 37905
Third Phase Revision Proposed	04/03/95	60 FR 16970
Final Action	02/20/96	61 FR 6428

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter N. Weiss, Senior Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503
Phone: 202 395-3630

RIN: 0348-AA76

3729. RECOGNITION AND PRICING OF CHANGING CAPITAL ASSET VALUES RESULTING FROM MERGERS AND BUSINESS COMBINATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 422

CFR Citation: 48 CFR 9900

Legal Deadline: None

Abstract: This rule deals with the measurement and assignment of the costs resulting from the recognition of changing capital asset values established subsequent to mergers and business combinations by Government contractors.

Timetable:

Action	Date	FR Cite
ANPRM	05/24/94	59 FR 26774
ANPRM Comment Period End	07/25/94	
NPRM	03/08/95	60 FR 12725
NPRM Comment Period End	05/08/95	
Final Action	02/13/96	61 FR 5520
Final Action Effective	04/15/96	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rein Abel, Director of Research, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503
Phone: 202 395-3254

RIN: 0348-AB20

3730. COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT FORM (CASB DS-1)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 422

CFR Citation: 48 CFR 99

Legal Deadline: None

Abstract: The Cost Accounting Standards Board (CASB) has revised its Disclosure Statement Form (CASB DS-1).

Timetable:

Action	Date	FR Cite
ANPRM	04/04/94	59 FR 15695
ANPRM Comment Period End	06/20/94	

OMB

Completed Actions

Action	Date	FR Cite
NPRM	11/29/94	59 FR 60948
NPRM Comment Period End	02/13/95	
Final Action	02/28/96	61 FR 7616
Final Action Effective	02/28/96	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Rein Abel, Director of Research, Cost Accounting Standards

Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503
Phone: 202 395-3254

RIN: 0348-AB24

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