other firms that conduct prohibited business operations in Sudan; and
(viii) Any humanitarian efforts engaged in by the offeror, the human
rights impact of doing business with the offeror for which the waiver
is requested, and the extent of the offeror’s business operations in Sudan.

(d) The consultation in 25.702–4(b) and the information in 25.702–4(c)(3)
will be considered in determining whether to recommend that the
President waive the requirement of subsection 25.702–2. In accordance with
section 6(c) of the Sudan Accountability and Divestment Act of 2007, OFPP will
semiannually submit a report to Congress, on April 15th and October
15th, on the waivers granted.

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DEPARTMENT OF DEFENSE
GENERAL SERVICES
ADMINISTRATION
NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAC 2005–54; FAR Case 2011–014; Item
VIII; Docket 2011–0014, Sequence 1]

RIN 9000–AM11

Federal Acquisition Regulation;
Successor Entities to the Netherlands
Antilles

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are
issuing a final rule amending the
Federal Acquisition Regulation (FAR) to
revise the definitions of “Caribbean
Basin country” and “designated
country” due to the change in status
of the islands that comprised the
Netherlands Antilles.

DATES: Effective Date: November 2,
2011.

FOR FURTHER INFORMATION CONTACT: Ms.
Cecelia L. Davis, Procurement Analyst,
at (202) 219–0202, for clarification
of content. For information pertaining
to status or publication schedules, contact
the Regulatory Secretariat at (202) 501–
4755. Please cite FAC 2005–54, FAR
Case 2011–014.

SUPPLEMENTARY INFORMATION:

I. Background

The Kingdom of the Netherlands
Antilles was designated as a beneficiary
country under the Caribbean Basin Initiative
(see 19 U.S.C. 2702). According to the
initiative, successor political entities
remain eligible as beneficiary countries.
On October 10, 2010, Curacao and Sint
Maarten became autonomous territories
of the Kingdom of the Netherlands.
Bonaire, Saba, and Sint Eustatius now
fall under the direct administration
of the Netherlands. Additional information
about this change is available at http://
With this change, the definitions have
been revised to replace “Netherlands
Antilles” with the five separate
successor entities—Bonaire, Curacao,
Saba, Sint Eustatius, and Sint Maarten.

This final rule amends definitions of
“Caribbean Basin country” and
“designated country” at FAR 25.003,
and FAR clauses 52.225–5, Trade
Agreements; 52.225–11, Buy American
Act—Construction Materials under
Trade Agreements; and 52.225–23,
Required Use of American Iron, Steel,
and Manufactured Goods—Buy
American Act—Construction Materials
Under Trade Agreements.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and
13563 direct agencies to assess all costs
and benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, distributive impacts, and
equity). E.O. 13563 emphasizes the
importance of quantifying both costs
and benefits of reducing costs, of
harmonizing rules, and of promoting
flexibility. This is a significant
regulatory action and, therefore, was
subject to review under section 6(b) of
E.O. 12866, Regulatory Planning and
Review, dated September 30, 1993. This
rule is not a major rule under 5 U.S.C.
804.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act does
not apply to this rule because this final
rule does not constitute a significant
FAR revision within the meaning of
FAR 1.501–1 and 41 U.S.C. 1707 and
does not require publication for public
comment.

IV. Paperwork Reduction Act

The Paperwork Reduction Act (44
U.S.C. chapter 35) does apply; however,
these changes to the FAR do not impose
additional information collection
requirements to the paperwork burden
previously approved under OMB
Control Number 0000–0141 titled: Buy
American Act—Construction.

List of Subjects in 48 CFR Parts 25 and
52

Government procurement.

Dated: October 21, 2011.

Laura Auletta,
Acting Director, Office of Governmentwide
Acquisition Policy, Office of Acquisition
Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA
amend 48 CFR parts 25 and 52 as set
forth below:

1. The authority citation for 48 CFR
parts 25 and 52 continues to read as
follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C.
chapter 137; and 42 U.S.C. 2473(c).

PART 25—FOREIGN ACQUISITION

2. Amend section 25.003 by revising
the definition “Caribbean Basin
country” and paragraph (4) in the
definition “Designated country” to read
as follows:

25.003 Definitions.

Caribbean Basin country means any of
the following countries: Antigua and
Barbuda, Aruba, Bahamas, Barbados,
Belize, Bonaire, British Virgin Islands,
Curacao, Dominica, Grenada, Guyana,
Haiti, Jamaica, Montserrat, Saba, St.
Kitts and Nevis, St. Lucia, St. Vincent
and the Grenadines, Sint Eustatius, Sint
Maarten, or Trinidad and Tobago.

Designated country

(4) A Caribbean Basin country
(Antigua and Barbuda, Aruba, Bahamas,
Barbados, Belize, Bonaire, British Virgin
Islands, Curacao, Dominica, Grenada,
Guyana, Haiti, Jamaica, Montserrat,
Saba, St. Kitts and Nevis, St. Lucia, St.
Vincent and the Grenadines, Sint
Eustatius, Sint Maarten, or Trinidad and
Tobago).

PART 52—SOLICITATION PROVISIONS
AND CONTRACT CLAUSES

3. Amend section 52.212–5 by
revising the date of the clause and
paragraph (b)(39) to read as follows:

52.212–5 Contract Terms and Conditions
Required to Implement Statutes or
Executive Orders—Commercial Items.

* * * * *

* * * * *

Designated country

(4) A Caribbean Basin country (Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bonaire, British Virgin Islands, Curacao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saba, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Sint Eustatius, Sint Maarten, or Trinidad and Tobago).

* * * * *

[FR Doc. 2011–27789 Filed 11–1–11; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

[FAC 2005–54; FAR Case 2009–006; Item IX; Docket 2010–0084, Sequence 1] RIN 9000–AL39

Federal Acquisition Regulation; Labor Relations Costs

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement the Executive Order (E.O.) on Economy in Government Contracting, issued on January 30, 2009, and amended on October 30, 2009. This E.O. treats as unallowable the costs of any activities undertaken to persuade employees, whether employees of the recipient of Federal disbursements or of any other entity, to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively through representatives of the employee’s own choosing.

DATES: Effective Date: December 2, 2011.

FOR FURTHER INFORMATION CONTACT: Mr. Edward N. Chambers, Procurement Analyst, at (202) 501–3221, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501–4755. Please cite FAC 2005–54, FAR Case 2009–006.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA published a proposed rule in the Federal Register at 75 FR 19345 on April 14, 2010, to implement E.O. 13494, Economy in Government Contracting, dated January 30, 2009, published in the Federal Register at 74 FR 6101 on February 4, 2009, as amended on October 30, 2009 (published in the Federal Register at 74 FR 57239 on November 5, 2009). This E.O. promotes economy and efficiency in Government contracting by providing that certain costs that are not directly related to the contractor’s provision of goods and services to the Government shall be unallowable for payment, thereby directly reducing Government expenditures and reinforcing the fiscally responsible handling of taxpayer funds. Specifically, this E.O. states that the costs of the activities of preparing and distributing materials, hiring or consulting legal counsel or consultants, holding meetings (including paying the salaries of the attendees at meetings held for this purpose), and planning or conducting activities by managers, supervisors, or union representatives during work hours, when they are undertaken to persuade employees to exercise or not to exercise, or concern the manner of exercising, rights to organize and bargain collectively are unallowable costs.

In order to implement E.O. 13494, DoD, GSA, and NASA have amended FAR 31.205–21, the cost principle addressing labor relations costs. Currently, this cost principle states that costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable. To implement the requirements of the E.O., DoD, GSA, and NASA issued a proposed rule that would amend this cost principle by adding a new paragraph addressing the handling of persuader activities—that is, activity involving the persuading of employees to exercise or not exercise their rights to organize and bargain collectively. By doing so, the proposed rule differentiated the handling of costs incurred through persuader activities, which are unallowable, from those incurred in maintaining satisfactory labor relations, which remain allowable. Specifically, the proposed rule stated that the costs of any activities undertaken to persuade employees, of any entity, to exercise or not to exercise, concern the manner of exercising, the right to organize and bargain collectively through representatives of the employee’s own choosing.