

Federal Reserve

Friday
November 29, 1996

Part XXXIII

**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: October 23, 1996.

John B. Arthur,
Associate Director for Administration.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4026 | Release of Official Information in Litigation and Testimony by OMB Personnel as Witnesses | 0348-AB35 |
| 4027 | Cost Principles for Educational Institutions (OMB Circular A-21) | 0348-AB39 |
| 4028 | Federal Participation in the Development and Use of Voluntary Standards (Circular A-119) | 0348-AB37 |
| 4029 | Policies on Management of Federal Information Resources (Circular No. A-130) | 0348-AB36 |
| 4030 | Cost Accounting Standards Administration | 0348-AB25 |

Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4031 | Classification, Downgrading, Declassification and Safeguarding of National Security Information | 0348-AB34 |
| 4032 | Order Providing for the Confidentiality of Statistical Information | 0348-AB38 |
| 4033 | Cost Principles for Non-Profit Organizations (Circular No. A-122) | 0348-AB01 |
| 4034 | Audits of State and Local Governments (Circular A-128) | 0348-AB40 |
| 4035 | Audits of State, Local Governments, and Non-Profit Organizations (Circular A-133) | 0348-AB41 |
| 4036 | Subcontracting Plans | 0348-AB31 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4037 | Cost Principles for Educational Institutions (OMB Circular A-21) | 0348-AB23 |
| 4038 | A Guide for Writing and Administering Performance Statements of Work for Service Contracts | 0348-AA34 |
| 4039 | Rescission of OMB Circular No. A-88 | 0348-AB07 |
| 4040 | Audits of Institutions of Higher Education and Other Non-Profit Organizations (Circular No. A-133) | 0348-AB22 |

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

4026. RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND TESTIMONY BY OMB PERSONNEL AS WITNESSES

Priority: Info./Admin./Other
Legal Authority: 31 USC 502
CFR Citation: 5 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 Directive | 11/00/96 | |
| Final Action | 03/00/97 | |

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

4027. • 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

Abstract: OMB is currently reviewing proposals for alternate methodologies for making payments on costs related to utilities.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|---------|
| Proposed Revision | 07/00/97 | |

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-AB39

4028. 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 | 11/00/96 | |
| Final Revision | 01/00/97 | |

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

4029. 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 | 11/00/96 | |
| Final Revision | 01/00/97 | |

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Jasmeet Seehra, 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

4030. 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 | 09/18/96 | 61 FR 49196 |
| NPRM Comment Period End | 12/02/96 | |

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

4031. CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION**Priority:** Info./Admin./Other**Legal Authority:** EO 12958**CFR Citation:** 5 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 | 09/17/96 | 61 FR 48855 |
| Final revision | 02/00/97 | |

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**4032. 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 | 11/00/96 | |

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**4033. 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 | 01/00/97 | |

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**4034. AUDITS OF STATE AND LOCAL GOVERNMENTS (CIRCULAR A-128)****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 State and local Governments. The Single Audit Act Amendments of 1996 call for uniform requirements for audits of all types of organizations. As a consequence, OMB will co-locate requirements in Circular A-133, and rescind A-128.

Timetable:

| Action | Date | FR Cite |
|---------------------|----------|-------------|
| Proposed Rescission | 11/05/96 | 61 FR 57232 |
| Final Rescission | 02/00/97 | |

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal

Agency Contact: Sheila Conley, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB40**4035. AUDITS OF STATE, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS (CIRCULAR A-133)****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111; 31 USC 7501 et seq, Single Audit Act**CFR Citation:** None**Legal Deadline:** None

Abstract: This Circular establishes requirements for audits of State, Local Governments and Non-Profit Organizations, consistent with the Single Audit Act Amendments of 1996. Agencies will implement the revision by codifying it in their own regulations.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|-------------|
| Proposed Revision | 11/05/96 | 61 FR 57232 |
| Final Revision | 02/00/97 | |

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal

Agency Contact: Sheila Conley, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB41**4036. 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 | 11/00/96 | |

OMB

Final Rule Stage

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

4037. 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

Abstract: This Circular establishes cost accounting principles and specifies the allowability of costs charged to Federally funded sponsored agreements. The revision makes certain standards of the Cost Accounting Standards Board applicable to institutions, and amends other provisions of the Circular.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Two Proposed Revisions | 02/06/95 | 60 FR 7104 |
| Final Action | 05/08/96 | 61 FR 20880 |
| Final Action Effective | 05/08/96 | |

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

4038. A GUIDE FOR WRITING AND ADMINISTERING PERFORMANCE STATEMENTS OF WORK FOR SERVICE CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 405(a)

CFR Citation: None

Legal Deadline: None

Abstract: The OFPP performance-based service contracting team developed a best practices/lessons learned guidebook. The action to rescind Pamphlet No. 4 is being withdrawn.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 04/30/96 | |

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

4039. RESCISSION OF OMB CIRCULAR NO. A-88

Priority: Info./Admin./Other

Legal Authority: 31 USC 503 et seq, CFOs Act; 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: This Circular provided policies for: (a) establishing indirect cost rates, (b) auditing, (c) correcting systems deficiencies, and (d) resolving questioned cost. This Circular was rescinded on May 8, 1996.

Timetable:

| Action | Date | FR Cite |
|-------------------------------|----------|-------------|
| Notice of Proposed Rescission | 02/06/95 | 60 FR 7105 |
| Final Action | 05/08/96 | 61 FR 20880 |
| Final Action Effective | 05/08/96 | |

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-AB07

4040. 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 Action | 04/30/96 | 61 FR 19134 |
| Final Action Effective | 07/01/96 | |

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

[FR Doc. 96-27870 Filed 11-27-96; 8:45 am]

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