



Monday
November 9, 1998

Part XLVIII

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

Federal Acquisition Regulation;
Semiannual Regulatory Agenda

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

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

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 "Regulatory Planning and Review." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Federal Acquisition Regulation (FAR) Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an

item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of Federal Acquisition Circulars (FACs).

Dated: August 26, 1998.

Jeremy F. Olson,
Acting Director, Federal Acquisition Policy Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4236	FAR Case 97-024, Foreign Acquisition	9000-AH30
4237	FAR Case 97-031, Value Engineering Change Proposals	9000-AH84
4238	FAR Case 97-040, Business Class Air Fare	9000-AH98
4239	FAR Case 98-001, Recruitment Costs Principle	9000-AI06
4240	FAR Case 97-038, Evaluation of Proposals for Professional Services	9000-AI07
4241	FAR Case 98-007, Competition Under Multiple Award Task and Delivery Order Contracts	9000-AI08

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4242	FAR Case 89-12, Pay-As-You-Go Pension Costs	9000-AC90
4243	FAR Case 89-093, Implementation of the Anti-Lobbying Statute	9000-AD76
4244	FAR Case 91-078, Small Business Subcontracting Reporting	9000-AG04
4245	FAR Case 94-753, Travel Costs	9000-AG27
4246	FAR Case 91-118, Payment by Electronic Fund Transfer	9000-AG49
4247	FAR Case 95-020, Costs Related to Legal/Other Proceedings	9000-AH05
4248	FAR Case 96-308, Implementation of Commercially Available Off-the-Shelf Item Acquisition Provisions of the Federal Acquisition Reform Act	9000-AH25
4249	FAR Case 96-011, No-Cost Value Engineering Change Proposals	9000-AH37
4250	FAR Case 97-603, Empowerment Contracting	9000-AH58
4251	FAR Cases 97-004A and 97-004B, Reform of Affirmative Action in Federal Procurement	9000-AH59
4252	FAR Case 95-013, Government Property	9000-AH60
4253	FAR Case 96-009, Contract Quality Requirements	9000-AH61
4254	FAR Case 94-610, EO 12933, Nondisplacement of Qualified Workers Under Certain Contracts	9000-AH62
4255	FAR Case 96-023, Clause Flowdown-Commercial Items	9000-AH69
4256	Federal Acquisition Regulation; Progress Payments	9000-AH70
4257	FAR Case 97-015, Alternative Dispute Resolution—1996	9000-AH72
4258	FAR Case 97-011, Evidence of Shipment in Electronic Data Interchange Transactions	9000-AH73
4259	FAR Case 97-016, Contractor Purchasing System Review Exclusions	9000-AH82
4260	FAR Case 96-018, Use of Brand Name Item Descriptions	9000-AH85
4261	FAR Case 97-303, Limitation on Allowability of Compensation for Certain Contractor Personnel	9000-AH90
4262	FAR Case 97-027, Mandatory Government Source Inspection	9000-AH94
4263	FAR Case 97-036, Civil Defense Costs	9000-AH95
4264	FAR Case 97-032, Relocation Costs	9000-AH96

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Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4265	FAR Case 96-013, Review of FAR Representation	9000-AH97
4266	FAR Case 96-610, Rehabilitation Act, Workers With Disabilities	9000-AH99

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4267	FAR Case 89-042, Liquidated Damages	9000-AD20
4268	FAR Case 97-300, Liquidated Damages	9000-AH53
4269	FAR Case 95-011, Subcontract Consent	9000-AH57
4270	FAR Case 97-010, Taxes Associated With Divested Segments	9000-AH71
4271	FAR Case 97-007, Travel Reimbursement	9000-AH76
4272	FAR Case 97-014, Part 30 Deviations	9000-AH77
4273	FAR Case 97-034, Availability of Specifications	9000-AI00
4274	FAR Case 97-042, Limits on Fee for Cost-Plus-Incentive Fee and Cost-Plus-Award Fee Contracts	9000-AI01
4275	FAR Case 97-044, Trade Agreements Thresholds	9000-AI02
4276	FAR Case 97-301, Restrictions on Purchases From Sudan	9000-AI03
4277	FAR Case 97-614, Software Copyrights	9000-AI04

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

4236. FAR CASE 97-024, FOREIGN ACQUISITION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.106-1; 48 CFR 25; 48 CFR 52.225-1 to 52.225-18

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to rewrite guidance and clauses on foreign acquisition. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/28/98	63 FR 51642
NPRM Comment Period End	11/27/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH30

4237. FAR CASE 97-031, VALUE ENGINEERING CHANGE PROPOSALS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to change the sharing periods and rates that contracting officers may establish for individual value engineering change proposals. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/12/98	63 FR 43236
NPRM Comment Period End	10/13/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Undetermined

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH84

4238. • FAR CASE 97-040, BUSINESS CLASS AIR FARE

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

FAR

Proposed Rule Stage

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the "travel costs" cost principle to allow, in certain situations, business class airfare costs for flights lasting more than 14 hours. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/12/98	63 FR 43239
NPRM Comment Period End	10/13/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS)-FAR Secretariat, 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH98

4239. • FAR CASE 98-001, RECRUITMENT COSTS PRINCIPLE

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the recruitment costs and the "public relations and advertising cost" cost principles for streamlining purposes. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/12/98	63 FR 43238
NPRM Comment Period End	10/13/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI06

4240. • FAR CASE 97-038, EVALUATION OF PROPOSALS FOR PROFESSIONAL SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 15.305; 48 CFR 37.115

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide guidance on the evaluation of proposals that include uncompensated overtime hours. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/24/98	63 FR 45112
NPRM Comment Period End	10/23/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS)-FAR Secretariat, 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI07

4241. • FAR CASE 98-007, COMPETITION UNDER MULTIPLE AWARD TASK AND DELIVERY ORDER CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to clarify the procedures governing placement of orders under multiple award indefinite delivery contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/09/98	63 FR 48416
NPRM Comment Period End	11/09/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI08

**DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**
Long-Term Actions
4242. FAR CASE 89-12, PAY-AS-YOU-GO PENSION COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the cost allowability criteria for pension costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
NPRM	09/23/97	62 FR 49900
NPRM Comment Period End	11/24/97	
Interim Final Rule - 2nd Publication	00/00/00	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AC90

4243. FAR CASE 89-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-121, Sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of PL 101-121, which added a new section 1352 to title 31 USC entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal

contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AD76

4244. FAR CASE 91-078, SMALL BUSINESS SUBCONTRACTING REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 53.219

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend FAR 53.219 to authorize the addition of a column to the Standard Form 295, Summary Subcontract Report, to report the number of subcontracts awarded to small business concerns, small disadvantaged business concerns, and women-owned small business enterprises. This regulatory action was not subject to Office of Management review under Executive Order 12866,

dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/26/94	59 FR 49037
NPRM Comment Period End	11/25/94	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AG04

4245. FAR CASE 94-753, TRAVEL COSTS

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-355

CFR Citation: 48 CFR 31.205-46

Legal Deadline: Final, Statutory, October 1, 1995.

The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: This rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering amending the Federal Acquisition Regulation (FAR) as a result of changes to 41 USC 22 by section 2191 of the Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. However, the proposed rule would

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permit contractors to propose alternative rates to those prescribed in the FTR/JTR.

Timetable:

Action	Date	FR Cite
NPRM	12/14/94	59 FR 64542
NPRM Comment Period End	02/13/95	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AG27

4246. FAR CASE 91-118, PAYMENT BY ELECTRONIC FUND TRANSFER

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 32.9; 48 CFR 52.232

Legal Deadline: None

Abstract: This rule amends subpart 32.9 and adds solicitation provisions and contract clauses at 52.232 to implement guidance to address the use of electronic fund transfers for Federal contract payments. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/03/95	60 FR 51766
NPRM Comment Period End	12/04/95	
Interim Final Rule	08/29/96	61 FR 45770
2nd NPRM	07/06/98	63 FR 36522
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AG49

4247. FAR CASE 95-020, COSTS RELATED TO LEGAL/OTHER PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31.205-47(b); 48 CFR 31.205-47(c); 48 CFR 31.205-47(e)(3)

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the cost principle governing the allowability of costs related to litigation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: Undetermined

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Sts. NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH05

4248. FAR CASE 96-308, IMPLEMENTATION OF COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITION PROVISIONS OF THE FEDERAL ACQUISITION REFORM ACT

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 104-106, sec 4203

CFR Citation: 48 CFR 2.101; 48 CFR 3.104-10(c); 48 CFR 3.503; 48 CFR 12.301; 48 CFR 12.7; 48 CFR 15.106-1; 48 CFR 19.508; 48 CFR 25.605; 48 CFR 27.409; 48 CFR 52.212-4; 48 CFR 52.212-00

Legal Deadline: NPRM, Statutory, September 7, 1996.

Abstract: The Federal Acquisition Regulatory Council solicited comments regarding the implementation of section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106)(the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. The Act requires the FAR to list provisions of law that are inapplicable to contracts for the acquisition of commercially available off-the-shelf items. Certain laws have already been determined to be inapplicable to all commercial items as a result of the implementation of the Federal Acquisition Streamlining Act of 1994 (see FAR 12.503).

Timetable:

Action	Date	FR Cite
ANPRM	05/13/96	61 FR 22010
ANPRM Comment Period End	06/28/96	
NPRM	00/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Sts. NW., Washington, DC 20405

FAR

Long-Term Actions

Phone: 202 501-4755

Fax: 202 501-4067

RIN: 9000-AH25

4249. FAR CASE 96-011, NO-COST VALUE ENGINEERING CHANGE PROPOSALS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 48.104-3**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify that the no-cost VECP guidance at FAR 48.104-3 permits the use of no-cost settlements when the Contracting Officer has balanced the administrative costs of negotiating a settlement against the anticipated savings and when, in the Contracting Officer's judgment, reliance on other VECP approaches likely would not be more cost effective and the no-cost settlement would provide adequate consideration to the Government. The no-cost VECP alternatives were not intended for use when significant cost savings are anticipated on the instant contract. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/98	63 FR 34078
Final Action	00/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH37

4250. FAR CASE 97-603, EMPOWERMENT CONTRACTING**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)**CFR Citation:** 48 CFR 12.301; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 26.3; 48 CFR 36.602; 48 CFR 52.226**Legal Deadline:** None

Abstract: The Federal Acquisition Regulatory Council is proposing amendments to the Federal Acquisition Regulation (FAR) to establish phase one of an Empowerment Contracting Program that provides procurement incentives to both large and small businesses to encourage their activity in areas of general and severe economic distress. This action is being taken to implement Presidential Executive Order 13005 of May 21, 1996, entitled "Empowerment Contracting." On September 13, 1996, the Department of Commerce (DOC) published in the Federal Register proposed guidelines for implementing Executive Order 13005 in the FAR. The proposed amendments to the FAR that are being published here are largely based on those guidelines. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/97	62 FR 19200
NPRM Comment	06/17/97	
Period End		
Final Action	00/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Tribal, Federal

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755

Fax: 202 501-4067

RIN: 9000-AH58

4251. FAR CASES 97-004A AND 97-004B, REFORM OF AFFIRMATIVE ACTION IN FEDERAL PROCUREMENT**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 103-355, sec 7102**CFR Citation:** 48 CFR 5.207; 48 CFR 6.203; 48 CFR 12.303; 48 CFR 14.206; 48 CFR 15.605; 48 CFR 15.608; 48 CFR 15.1002; 48 CFR 19; 48 CFR 52.219; 48 CFR 53; 48 CFR 1.106; 48 CFR 15.3; 48 CFR 52.212; 48 CFR 53.219; 48 CFR 53.302-312**Legal Deadline:** None

Abstract: These interim rules have been issued to conform to a Department of Justice (DOJ) proposal to reform affirmative action in Federal procurement. DOJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097 (1995). The FAR proposed rule would establish three procurement mechanisms benefiting small disadvantaged businesses (SDBs): (a) The first mechanism is a price evaluation adjustment of up to ten percent in certain two-digit Standard Industrial Classification (SIC) Major Groups authorized by the Administrator of the Office of Federal Procurement Policy (OFPP), this mechanism is effective October 1, 1998; (b) The second mechanism is a source selection evaluation factor or subfactor for planned SDB participation, primarily at the subcontract level, in the performance of a contract in the SIC Major Groups; (c) The third mechanism provides for a monetary incentive for subcontracting with SDBs. The last two mechanisms become effective January 1, 1999. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/09/97	62 FR 25786
NPRM Comment	07/08/97	
Period End		
Interim Final Rule 97-004A	06/30/98	63 FR 35719
Interim Final Rule 97-004B	07/01/98	63 FR 36120

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Action	Date	FR Cite
Interim Final Rule 97-004C	09/30/98	63 FR 52426
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Tribal, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH59

4252. FAR CASE 95-013, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: The rule amends the Federal Acquisition Regulation (FAR) to simplify procedures and eliminate requirements related to the management and disposition of Government property in the possession of contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/02/97	62 FR 30186
NPRM Comment Period End	08/15/97	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH60

4253. FAR CASE 96-009, CONTRACT QUALITY REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 46; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to reflect a preference for commercial contract quality requirements rather than Federal or military specifications. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/02/97	62 FR 35891
NPRM Comment Period End	09/02/97	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH61

4254. FAR CASE 94-610, EO 12933, NONDISPLACEMENT OF QUALIFIED WORKERS UNDER CERTAIN CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: EO 12933

CFR Citation: 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the FAR to implement EO 12933 regarding right of

refusal for certain service employees. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1998, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/97	62 FR 44823
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH62

4255. FAR CASE 96-023, CLAUSE FLOWDOWN-COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52.244-6

Legal Deadline: None

Abstract: This rule proposes amendments to the clause at FAR 52.244-6, Subcontracts for Commercial Items and Commercial Comments, to clarify that contractors are required to include, in subcontracts at any tier for commercial items or commercial components, the FAR clauses and provisions listed in the clause at FAR 52.244-6 and such other clauses and provisions as may be required by addenda, to the extent they are applicable or necessary to establish the reasonableness of prices under FAR part 15. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/23/97	62 FR 49903
NPRM Comment Period End	11/24/97	
Final Action	00/00/00	

FAR

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Regulatory Flexibility Analysis**Required:** No**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:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH69**4256. FEDERAL ACQUISITION REGULATION; PROGRESS PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC ch 137**CFR Citation:** 48 CFR 32; 48 CFR 52**Legal Deadline:** None**Abstract:** The Director of Defense Procurement, Department of Defense, has established a special interagency team with participants from the OUSD (Comptroller), the Military Departments, the DLA, the DCAA, the DFAS, the DOE, and the NASA, that will review and rewrite FAR part 32 and part 52 provisions regarding Progress Payments to make them easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement will provide a forum for an exchange of ideas and information with government and industry personnel by holding at least one public meeting, soliciting public comments, and publishing notices of public meetings in the Federal Register. Discussion will focus on draft revisions of FAR part 32, subpart 32.5, Progress Payments Based on Costs, and associated contract clauses and forms.**Timetable:**

Action	Date	FR Cite
ANPRM	05/01/97	62 FR 23740
ANPRM Comment Period End	05/30/97	
Final Action	00/00/00	

Regulatory Flexibility Analysis**Required:** No**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: Michele P. Peterson, Executive Editor, Defense Acquisition Regulations Council, DOD/GSA/NASA (FAR), DOD(PDUSD(A&T)DP/CPF, Room 3C800, Defense Pentagon, Washington, DC 20301-3060
Phone: 703 695-7197
Fax: 703 693-9616**RIN:** 9000-AH70**4257. FAR CASE 97-015, ALTERNATIVE DISPUTE RESOLUTION—1996****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 6.302-3; 48 CFR 24.202; 48 CFR 33.201; 48 CFR 33.204; 48 CFR 33.207; 48 CFR 33.214; 48 CFR 52.233-1**Legal Deadline:** None**Abstract:** The rule amends the FAR to implement the Administrative Dispute Resolution Act of 1996 (Pub. L. 104-320) and section 4321(a)(7) of the Clinger-Cohen Act of 1996 (Pub. L. 104-106). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
NPRM	10/27/97	62 FR 55678
NPRM Comment Period End	12/26/97	
Final Action	00/00/00	

Regulatory Flexibility Analysis**Required:** No**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:** Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH72**4258. FAR CASE 97-011, EVIDENCE OF SHIPMENT IN ELECTRONIC DATA INTERCHANGE TRANSACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52.247-48**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the use of electronic data interchange transactions and to streamline the payment process when supplies are purchased free onboard destination with inspection and acceptance of origin. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
NPRM	01/27/98	63 FR 4074
NPRM Comment Period End	03/30/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal**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:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH73**4259. FAR CASE 97-016, CONTRACTOR PURCHASING SYSTEM REVIEW EXCLUSIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 44.302; 48 CFR 44.303**Legal Deadline:** None**Abstract:** This rule amends (1) FAR 44.302 to exclude competitively awarded firm-fixed-price and competitively awarded fixed-price with economic price adjustment contracts for the dollar amount used to determine

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if a contractor's level of sales to the Government warrants the conduct of a CPSR; and (2) FAR 44.303 to exclude subcontracts awarded by a contractor exclusively in support of competitively awarded firm-fixed-price and competitively awarded fixed-price with economic price adjustment contracts from evaluation during a CPSR. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/06/98	63 FR 649
NPRM Comment Period End	03/09/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: No

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH82

4260. FAR CASE 96-018, USE OF BRAND NAME ITEM DESCRIPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 11.104; 48 CFR 11.104-1; 48 CFR 11.104-2; 48 CFR 11.106; 48 CFR 13.106-2; 48 CFR 13.602; 48 CFR 52.211

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) parts 11 and 52 to provide for the use of brand name purchase descriptions, including "brand name or equal," "brand name-no substitute," and "brand name as target"; and to add two new related solicitation provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH85

4261. FAR CASE 97-303, LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL

Priority: Other Significant

Legal Authority: PL 105-85

CFR Citation: 48 CFR 31.205-6

Legal Deadline: Other, Statutory, November 18, 1997.

RIN pertains to the interim rulemaking.

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 808 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85) by limiting the allowable compensation costs for senior executives of contractors to the benchmark compensation amount determined applicable for each fiscal year by the Administrator for Federal Procurement Policy. This regulatory action was subject to Office of Management and Budget Review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/98	63 FR 9066
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR),

GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH90

4262. FAR CASE 97-027, MANDATORY GOVERNMENT SOURCE INSPECTION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to facilitate the elimination of unnecessary Government contract quality assurance requirements at source. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/20/98	63 FR 13770
NPRM Comment Period End	05/19/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

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: Beverly Fayson, FAR Secretariat, DOD/GSA/NASA (FAR), GSA(MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH94

4263. FAR CASE 97-036, CIVIL DEFENSE COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delete the civil defense cost principle. This

FAR

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regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/20/98	63 FR 13771
NPRM Comment Period End	05/19/98	
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No**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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH95

4264. • FAR CASE 97-032, RELOCATION COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 00 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the ceilings imposed on certain types of relocation costs; to permit reimbursement of relocation costs on an appropriate lump-sum basis; make allowable payments for spouse employment assistance and payments for increase employee income and social security taxes incident to allowable reimbursed relocation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and this is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No**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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH96

4265. • FAR CASE 96-013, REVIEW OF FAR REPRESENTATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 4; 48 CFR 12; 48 CFR 14; 48 CFR 19; 48 CFR 26; 48 CFR 27; 48 CFR 32; 48 CFR 41; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove or reduce certain requirements for representations and other statements from offerors and contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/07/98	
NPRM Comment Period End	07/06/98	63 FR 25382
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No**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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH97

4266. • FAR CASE 96-610, REHABILITATION ACT, WORKERS WITH DISABILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 29 USC 793 sec 503

CFR Citation: 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends FAR subpart 22.14 and the clauses at 52.212-5 and 52.222-36 to implement revised Department of Labor (DOL) regulations regarding affirmative action to employ and advance in employment qualified individuals with disabilities. The dollar threshold for use of the clause at 52.222-6 has been increased from \$2,500 to \$10,000. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/98	63 FR 34073
Final Action	00/00/00	

Regulatory Flexibility Analysis Required: No**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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRs-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AH99

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

4267. FAR CASE 89-042, LIQUIDATED DAMAGES**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 11.501; 48 CFR 19; 48 CFR 52; 48 CFR 53.219**Completed:**

Reason	Date	FR Cite
Final Action	06/22/98	63 FR 34064
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AD20**4268. FAR CASE 97-300, LIQUIDATED DAMAGES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 11.501; 48 CFR 19; 48 CFR 52; 48 CFR 53**Completed:**

Reason	Date	FR Cite
Final Action	06/22/98	63 FR 34064
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.**Agency Contact:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH53**4269. FAR CASE 95-011, SUBCONTRACT CONSENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 4.705-3; 48 CFR 22.810; 48 CFR 35.009; 48 CFR 36.606; 48 CFR 44; 48 CFR 52.244-1 to 52.244-5**Completed:**

Reason	Date	FR Cite
Final Action	06/22/98	63 FR 34059
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**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:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH57**4270. FAR CASE 97-010, TAXES ASSOCIATED WITH DIVESTED SEGMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31.205-41**Completed:**

Reason	Date	FR Cite
Withdrawn	08/12/98	63 FR 43127

Regulatory Flexibility Analysis Required: No**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:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH71**4271. FAR CASE 97-007, TRAVEL REIMBURSEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31.205-46**Completed:**

Reason	Date	FR Cite
Final Action	06/22/98	63 FR 34078
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis Required: No**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:** Laurie Duarte
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH76**4272. FAR CASE 97-014, PART 30 DEVIATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1.402**Completed:**

Reason	Date	FR Cite
Final Action	12/09/97	62 FR 64913
Final Action Effective	02/09/98	

Regulatory Flexibility Analysis Required: No**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:** Beverly Fayson
Phone: 202 501-4755
Fax: 202 501-4067**RIN:** 9000-AH77**4273. • FAR CASE 97-034, AVAILABILITY OF SPECIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 9.203; 48 CFR 11.102; 48 CFR 52.211-1; 48 CFR 52.211-2; 48 CFR 52.212-1**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to update information regarding the availability of specifications, standards, and item descriptions cited in Government solicitations and contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
Final Action	06/22/98	63 FR 34062
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis Required: No**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:** Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR),

FAR

Completed Actions

GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI00

4274. • FAR CASE 97-042, LIMITS ON FEE FOR COST-PLUS-INCENTIVE FEE AND COST-PLUS-AWARD FEE CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 16.301-3; 48 CFR 16.306; 48 CFR 16.405-2

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify fee limitations pertaining to cost-reimbursement contracts. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/22/98	63 FR 34073
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis

Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI01

4275. • FAR CASE 97-044, TRADE AGREEMENTS THRESHOLDS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to

implement revised thresholds for application of the Trade Agreements Act and the North American Free Trade Agreement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/22/98	63 FR 34075
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis

Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI02

4276. • FAR CASE 97-301, RESTRICTIONS ON PURCHASES FROM SUDAN

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25.701; 48 CFR 52.213-4; 48 CFR 52.225-11

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to add Sudan to the list of countries from which Government acquisition of supplies and services is restricted. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/22/98	63 FR 34076
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis

Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI03

4277. • FAR CASE 97-614, SOFTWARE COPYRIGHTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 27.405

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify that computer software produced under Government contracts may be special works to which the Government may obtain copyright. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	06/22/98	63 FR 34077
Final Action Effective	08/21/98	

Regulatory Flexibility Analysis

Required: No

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: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th & F Streets NW., Washington, DC 20405
Phone: 202 501-4755
Fax: 202 501-4067

RIN: 9000-AI04

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