# [***82 FR 40367***](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5P9Y-FX70-02SB-907G-00000-00&context=)

Vol. 82, No. 163, Part XX, Thursday, August 24, 2017

Unified Agenda

**Reporter**

82 FR 40367 \*

***Federal Register* > *2017* > *August* > *Thursday, August 24, 2017* > *Unified Agenda* > *DEPARTMENT OF DEFENSE (DOD)***

**Title:** **Semiannual Regulatory Agenda**

**Action:**  Semiannual regulatory agenda.

**Agency**

DEPARTMENT OF DEFENSE (DOD)

GENERAL SERVICES ADMINISTRATION (GSA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

**Administrative Code Citation**

**48 CFR Ch. 1**

**Synopsis**

**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 Regulatory Secretariat Division 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.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at [*http://www.****regulations****.gov*](http://www.regulations.gov)*.*

**Text**

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs). The electronic version of the FAR, including changes, can be accessed on the FAR Web site at [*http://www.acquisition.gov/far*](http://www.acquisition.gov/far)*.*

Dated: March 31, 2017.

William F. Clark, Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

| **DOD/GSA/NASA (FAR)--Proposed Rule Stage** | | |
| --- | --- | --- |
|  |  |  |
| **Sequence No.** | **Title** | ***Regulation*** |
|  |  | **Identifier No.** |
| 216 | Federal Acquisition | 9000-AM94 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-021; |  |
|  | Determination of Fair and |  |
|  | Reasonable Prices on |  |
|  | Orders Under Multiple |  |
|  | Award Contracts |  |
| 217 | Federal Acquisition | 9000-AN03 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-014; |  |
|  | Prohibition on Providing |  |
|  | Funds to the Enemy |  |
| 218 | FAR Acquisition | 9000-AN31 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-038, Reverse |  |
|  | Auction Guidance |  |
| 219 | Federal Acquisition | 9000-AN32 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-005, |  |
|  | Whistleblower Protection |  |
|  | for Contractor Employees |  |
| 220 | Federal Acquisition | 9000-AN33 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-031, Policy on |  |
|  | 8(a) Joint Ventures |  |
| 221 | Federal Acquisition | 9000-AN34 |
|  | ***Regulation***; FAR Case |  |
|  | 2016-002, Applicability |  |
|  | of Small Business |  |
|  | ***Regulations*** Outside the |  |
|  | United States |  |
| 222 | Federal Acquisition | 9000-AN36 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-008, Duties of |  |
|  | Office of Small and |  |
|  | Disadvantaged Business |  |
|  | Utilization |  |
| 223 | Federal Acquisition | 9000-AN38 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2016-013, Tax on |  |
|  | Certain Foreign |  |
|  | Procurement |  |
| 224 | Federal Acquisition | 9000-AN39 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-003; |  |
|  | Alternatives in Lieu of |  |
|  | Corporate or Individual |  |
|  | Sureties |  |
| 225 | Federal Acquisition | 9000-AN40 |
|  | ***Regulations*** (FAR); FAR |  |
|  | Case 2015-002, |  |
|  | Requirements for DD Form |  |
|  | 254, Contract Security |  |
|  | Classification |  |
|  | Specification |  |
| 226 | Federal Acquisition | 9000-AN43 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-014, |  |
|  | Acquisition 360 |  |
| 227 | Federal Acquisition | 9000-AN44 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-013, Breaches |  |
|  | of Personally |  |
|  | Identifiable Information |  |
| 228 | Federal Acquisition | 9000-AN46 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-011, Section |  |
|  | 508-Based Standards in |  |
|  | Information and |  |
|  | Communication Technology |  |
| 229 | Federal Acquisition | 9000-AN47 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2016-012, |  |
|  | Incremental Funding of |  |
|  | Fixed-Price Contracting |  |
|  | Actions |  |
| 230 | Federal Acquisition | 9000-AN48 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-037, Definition |  |
|  | of "Information |  |
|  | Technology" |  |
| 231 | Federal Acquisition | 9000-AN49 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-028, |  |
|  | Performance-Based |  |
|  | Payments |  |
| 232 | Federal Acquisition | 9000-AN51 |
|  | ***Regulation*** (FAR); Far |  |
|  | Case 2015-004, Provisions |  |
|  | and Clauses for |  |
|  | Acquisitions of |  |
|  | Commercial Items and |  |
|  | Acquisitions That do not |  |
|  | Exceed the Simplified |  |
|  | Acquisition Threshold |  |
|  | (SAT) |  |
| 233 | Federal Acquisition | 9000-AN53 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-006, Exception |  |
|  | From Certified Cost or |  |
|  | Pricing Data |  |
|  | Requirements--Adequate |  |
|  | Price ***Competition*** |  |
| 234 | Federal Acquisition | 9000-AN54 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-010, Evaluation |  |
|  | Factors for |  |
|  | Multiple-Award Contracts |  |
| 235 | Federal Acquisition | 9000-AN55 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-026, Contractor |  |
|  | Use of Mandatory Sources |  |
|  | of Supply in Service |  |
|  | Contracts |  |
| 236 | Federal Acquisition | 9000-AN56 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-016, Controlled |  |
|  | Unclassified Information |  |
|  | (CUI) |  |

| **DOD/GSA/NASA (FAR)--Final Rule Stage** | | |
| --- | --- | --- |
|  |  |  |
| **Sequence No.** | **Title** | ***Regulation*** |
|  |  | **Identifier No.** |
| 237 | Federal Acquisition | 9000-AM89 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-015; Strategic |  |
|  | Sourcing Documentation |  |
| 238 | Federal Acquisition | 9000-AM90 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2013-018; |  |
|  | Clarification of |  |
|  | Requirement for |  |
|  | Justifications for 8(a) |  |
|  | Sole Source Contracts |  |
| 239 | Federal Acquisition | 9000-AM93 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2014-002; Set-Asides |  |
|  | Under Multiple Award |  |
|  | Contracts |  |
| 240 | Federal Acquisition | 9000-AN02 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-017; Combating |  |
|  | Trafficking in |  |
|  | Persons--Definition of |  |
|  | "Recruitment Fees" |  |
| 241 | Federal Acquisition | 9000-AN10 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2016-007, |  |
|  | Non-Retaliation for |  |
|  | Disclosure of |  |
|  | Compensation Information |  |
| 242 | Federal Acquisition | 9000-AN19 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-005, System for |  |
|  | Award Management |  |
|  | Registration |  |
| 243 | Federal Acquisition | 9000-AN26 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-039, Audit of |  |
|  | Settlement Proposals |  |
| 244 | Federal Acquisition | 9000-AN27 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-001, Paid Sick |  |
|  | Leave for Federal |  |
|  | Contractors |  |
| 245 | Federal Acquisition | 9000-AN28 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-033, |  |
|  | Sustainable Acquisition |  |
| 246 | Federal Acquisition | 9000-AN29 |
|  | ***Regulation***: FAR Case |  |
|  | 2016-005; Effective |  |
|  | Communication Between |  |
|  | Government and Industry |  |
| 247 | Federal Acquisition | 9000-AN35 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2016-011, (S) |  |
|  | Revision of Limitations |  |
|  | on Subcontracting |  |
| 248 | Federal Acquisition | 9000-AN37 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-004, Rate |  |
|  | Adjustment of Liquidated |  |
|  | Damages |  |
| 249 | Federal Acquisition | 9000-AN41 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-007, Task- and |  |
|  | Delivery-Order Protests |  |
| 250 | Federal Acquisition | 9000-AN45 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-009, Special |  |
|  | Emergency Procurement |  |
|  | Authority |  |
| 251 | Federal Acquisition | 9000-AN50 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-012, Increased |  |
|  | Micro-Purchase Threshold |  |
|  | for Certain Procurement |  |
|  | Activities |  |
| 252 | Federal Acquisition | 9000-AN52 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2017-015, Removal of |  |
|  | Fair Pay and Safe |  |
|  | Workplaces Rule |  |

| **DOD/GSA/NASA (FAR)--Long-Term Actions** | | |
| --- | --- | --- |
|  |  |  |
| **Sequence No.** | **Title** | ***Regulation*** |
|  |  | **Identifier No.** |
| 253 | Federal Acquisition | 9000-AM58 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2013-002; Expanded |  |
|  | Reporting of |  |
|  | Nonconforming Supplies |  |

| **DOD/GSA/NASA (FAR)--Completed Actions** | | |
| --- | --- | --- |
|  |  |  |
| **Sequence No.** | **Title** | ***Regulation*** |
|  |  | **Identifier No.** |
| 254 | Federal Acquisition | 9000-AM02 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2010-013; Privacy |  |
|  | Training |  |
| 255 | Federal Acquisition | 9000-AM39 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2012-025; |  |
|  | Applicability of the |  |
|  | Senior Executive |  |
|  | Compensation Benchmark |  |
| 256 | Federal Acquisition | 9000-AM68 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2012-022; Contracts |  |
|  | Under the Small Business |  |
|  | Administration 8(a) |  |
|  | Program |  |
| 257 | Federal Acquisition | 9000-AM73 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2013-014; Uniform |  |
|  | Use of Line Items |  |
| 258 | Federal Acquisition | 9000-AM91 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2014-003; Small |  |
|  | Business Subcontracting |  |
|  | Improvements |  |
| 259 | Federal Acquisition | 9000-AM97 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-016; |  |
|  | Prohibition on |  |
|  | Reimbursement for |  |
|  | Congressional |  |
|  | Investigations and |  |
|  | Inquiries |  |
| 260 | Federal Acquisition | 9000-AM98 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2014-004; Payment of |  |
|  | Subcontractors |  |
| 261 | Federal Acquisition | 9000-AN04 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-012; Contractor |  |
|  | Employee Internal |  |
|  | Confidentiality |  |
|  | Agreements |  |
| 262 | Federal Acquisition | 9000-AN18 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2016-004; |  |
|  | Acquisition Threshold for |  |
|  | Special Emergency |  |
|  | Procurement Authority |  |
| 263 | Federal ***Regulation*** | 9000-AN20 |
|  | Acquisition (FAR); FAR |  |
|  | Case 2015-024, Public |  |
|  | Disclosure of Greenhouse |  |
|  | Gas Emissions and |  |
|  | Reduction |  |
|  | Goals-Representation |  |
| 264 | Federal Acquisition | 9000-AN23 |
|  | ***Regulation*** (FAR); FAR |  |
|  | Case 2015-035, Removal of |  |
|  | ***Regulations*** Relating to |  |
|  | Telegraphic Communication |  |

**[\*40370]**

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

**Proposed Rule Stage**

**216. Federal Acquisition *Regulation* (FAR); FAR Case 2015-021; Determination of Fair and Reasonable Prices on Orders Under Multiple Award Contracts**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA and NASA are proposing to amend the FAR to direct contracting officers to make a determination of fair and reasonable pricing when using GSA's Federal Supply Schedules (FSS). The Federal Acquisition Streamlining Act (FASA) of 1994 established a preference for the types of information used to assess price reasonableness. Fair and reasonable price determinations are used for evaluating quotations, bids, and proposals for the source selection decision and during sole-source negotiations with the goal of promoting a healthy and efficient ***competitive*** sourcing environment.

This rule will ensure uniform implementation of this FAR change across government contracts and avoid the proliferation of agency actions (*e.g.* revisions to FAR supplements or issuance of policy guidance) implementing this requirement.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov).

*RIN:* 9000-AM94

**217. Federal Acquisition *Regulation* (FAR); FAR Case 2015-014; Prohibition on Providing Funds to the Enemy**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to prevent the flow of funds to persons or entities that are actively opposing United States or coalition forces involved in a contingency operation. This rule implements subtitle E of title VIII of the Carl Levin and Howard P. Buck" McKeon National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015, which prohibits providing funds to the enemy. The statute does not apply to contracts that are equal to or less than $50,000, contracts performed inside the United States, or contracts subject to a national security exception.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 08/00/17 |  |
| NPRM Comment Period End | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219-0202, *Email:* [*cecelia.davis@gsa.gov*](mailto:cecelia.davis@gsa.gov).

*RIN:* 9000-AN03

**218. . FAR Acquisition *Regulation* (FAR); FAR Case 2015-038, Reverse Auction Guidance**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over rounds of bidding in order to win federal contracts This change will incorporates guidance from the OFPP memorandum, "Effective Use of Reverse Auctions," which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize* ***Competition*** *and Achieve Cost Savings* (GAO-14-108).

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 11/00/17 |  |
| NPRM Comment Period End | 01/00/18 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov).

*RIN:* 9000-AN31

**219. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-005, Whistleblower Protection for Contractor Employees**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to implement [*41 U.S.C. 4712,*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:57N8-PX31-NRF4-4001-00000-00&context=) Enhancement of contractor protection from reprisal for disclosure of certain information and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013. This statute also clarifies that the cost principles at [*10 U.S.C. 2324*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GJ51-NRF4-42Y7-00000-00&context=)(k) and [*41 U.S.C. 4304*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:524P-7H71-NRF4-4004-00000-00&context=) and 4310 apply to costs incurred by a contractor, subcontractor, or personal services contractor.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 07/00/17 |  |
| NPRM Comment Period End | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219-0202, *Email:* [*cecelia.davis@gsa.gov*](mailto:cecelia.davis@gsa.gov).

*RIN:* 9000-AN32

**220. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-031, Policy on 8(a) Joint Ventures**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to be consistent with the guidance in SBA ***regulations*** at 13 CFR 124 8(A) Business Development/Small Disadvantaged Business Status Determinations > These clarifications are expected to relieve burden on both industry and government by reducing the number of protests related to inappropriate elimination from ***competition*** of offers from 8(a) joint ventures and inappropriate awards to ineligible 8(a) joint ventures. This will reduce the risk for fraud by clarifying the role of SBA as the authority for making eligibility determination. The rule is also expected to facilitate ***competition*** by clarifying the circumstances under which a joint venture is eligible for award under the 8(a) program.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 09/00/17 |  |
| NPRM Comment Period End | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA **[\*40371]** (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov).

*RIN:* 9000-AN33

**221. . Federal Acquisition *Regulation*; FAR Case 2016-002, Applicability of Small Business *Regulations* Outside the United States**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) consistent with SBA's final rule at 13 CFR 125.2 as finalized in their rule Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation" issued on October 2, 2013 to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation.

In its final rule, SBA has clarified that, as a general matter, its small business contracting ***regulations*** apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR both to bring its coverage into alignment with SBA's ***regulation*** and to give agencies the tools they need especially the ability to use set-asides to maximize opportunities for small businesses overseas.

SBA intends to include contracts performed outside of the United States in agencies' prime contracting goals beginning in FY 2016. Although inclusion for goaling purposes is not dependent on FAR changes, amending FAR part 19 will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States.

This rule will allow agencies to take advantage of the tools authorized for providing small business opportunities for contracts awarded outside of the United States. This will make it easier for small businesses to receive additional opportunities for contracts performed outside of the United States.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov).

*RIN:* 9000-AN34

**222. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-008, Duties of Office of Small and Disadvantaged Business Utilization**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to provide additional duties for the Office of Small and Disadvantaged Business Utilization (OSDBU), or for DoD, the Office of Small Business Programs (OSBP). Additionally the rule will include existing OSDBU duties that are not currently listed in the FAR.

This rule implements sections 1812, paragraph (a) of section 1813 and paragraph (b) of section 1821 of the National Defense Authorization Act of Fiscal Year 2017, which amends section 15(k) of the Small Business Act [*(15 U.S.C. 644*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GVP1-NRF4-4454-00000-00&context=)(k)). Additionally the rule will include existing duties prescribed in section 15(k) of the Small Business Act that are not currently listed in the FAR.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Janet Fry, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-3167, *Email:* [*janet.fry@gsa.gov*](mailto:janet.fry@gsa.gov).

*RIN:* 9000-AN36

**223. . Federal Acquisition *Regulation* (FAR); FAR Case 2016-013, Tax on Certain Foreign Procurement**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 37;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:472S-7N00-006F-11SV-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to implement a final rule issued by the Department of the Treasury (published at [*81 FR 55133)*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5KGT-1S80-006W-81RK-00000-00&context=) that implements section 301 of the James Zadroga 9/11 Health and Compensation Act of 2010, Public Law 111347. This section imposes on any foreign person that receives a specified Federal procurement payment a tax equal to 2 percent of the amount such payment. This rule applies to Federal government contracts for goods or services that are awarded to foreign persons.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 08/00/17 |  |
| NPRM Comment Period End | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov).

*RIN:* 9000-AN38

**224. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-003; Alternatives in Lieu of Corporate or Individual Sureties**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are is proposing to amend the Federal Acquisition ***Regulation*** (FAR) to change the kinds of assets that individual sureties must use as security for their individual surety bonds. This change will implement section 874 of the NDAA for FY 2016 (*Pub. L. 114-92).*

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov).

*RIN:* 9000-AN39

**225. . Federal Acquisition *Regulations* (FAR); FAR Case 2015-002, Requirements for DD Form 254, Contract Security Classification Specification**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to require the use of Wide Area Workflow (WAWF) for the submission of the DD Form 254, Contract Security Classification Specification. This form is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to the Defense Security Services (DSS) when contractors or subcontractors require access to classified information under contracts awarded by agencies covered by the National Industrial Security Program (NISP). **[\*40372]**

The NISP Contracts Classification System (NCCS) is being deployed as a module within the existing WAWF platform to provide a centralized repository for classified contract security requirements and automate the DD Form 254 processes and workflows. The rule also clarifies that a unique CAGE code is required for each location of performance listed on a DD Form 254 and that System for Award Management (SAM) registration is only required for the business location listed on the contract. The DD Form 254 is used to convey security requirements regarding classified information to contractors and subcontractors and must be submitted to DSS when contractors or subcontractors require access to classified information. On average, approximately 130,000 forms are received each year from 61 agencies and components. These forms are submitted manually and there is no central repository for the form. The rule will provide a centralized repository for classified contract security requirements and supporting data while automating the DD Form 254 processes and workflows. By using this form, burden will reduce.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 08/00/17 |  |
| NPRM Comment Period End | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E. Glover, Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov)*.*

*RIN:* 9000-AN40

**226. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-014, Acquisition 360**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule would create FAR policy to encourage regular feedback in accordance with agency practice (both on contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies would be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition 360 survey and encourage stakeholders to voluntarily provide feedback on their experiences on the pre-award process.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E. Glover, Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov)*.*

*RIN:* 9000-AN43

**227. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-013, Breaches of Personally Identifiable Information**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to revise the Federal Acquisition ***Regulation*** (FAR) to create and implement appropriate contract clauses and regulatory coverage to address contractor requirements for breach response consistent with the requirements. This FAR change will implement the requirements outlined in Office of Management and Budget (OMB) Memorandum, M-17-12 "Preparing for and Responding to a Breach of Personally Identifiable Information" section V part B.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 12/00/17 |  |
| NPRM Comment Period End | 02/00/18 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN44

**228. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-011, Section 508-Based Standards in Information and Communication Technology**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to incorporate revisions and updates to standards in Section 508 of the Rehabilitation Act of 1973, developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the "Access Board"). This FAR change incorporates the U.S. Access Board's final rule [*82 FR 5790,*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MNF-PGM0-006W-83GT-00000-00&context=) Information and Communication Technology (ICT) Standards and Guidelines, published on January 18, 2017, which implemented revisions and updates to the section 508-based standards and section 255-based guidelines.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN46

**229. . Federal Acquisition *Regulation* (FAR); FAR Case 2016-012, Incremental Funding of Fixed-Price Contracting Actions**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to allow for incrementally funding of certain fixed-price contracting action to help minimize disruptions to agency operations, and provide Federal acquisition professionals with new funding flexibility for fixed-price contracting actions. The importance of incremental funding policy is driven, in large part, by chronic impediments to the timely passage of the Federal budget. Because the FAR is silent on the incremental funding of fixed-price contracts; however, in many cases, full funding (due to budgetary uncertainties) is not possible. There is potential for benefits to be realized through creating consistent language in the FAR. The flexibility to incrementally fund fixed-price contracts will enable acquisition professionals more efficiently get contracts underway.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 11/00/17 |  |
| NPRM Comment Period End | 01/00/18 |  |

*Regulatory Flexibility Analysis Required:* Yes. **[\*40373]**

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN47

**230. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-037, Definition of "Information Technology"**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to revise the FAR to update the definition of "information technology," as directed in the Office of Management and Budget Memo, M-15-14, entitled Management Oversight of Federal Information Technology." Specifically, the rule broadens the definition of information technology to include services such as cloud computing and to remove an exemption for information technology embedded in other systems.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN48

**231. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-028, Performance-Based Payments**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA and NASA are proposing to amend the FAR to harmonize the policy on flowdown requirements at FAR 32.504 with FAR clause 52.232-32 for the financing of subcontracts through performance-based payments. FAR 32.504(f) states that "When financing payments are in the form of performance-based payments, the Performance-Based Payments clause at 52.232-32 requires that the subcontract terms include the substance of the Performance-Based Payments clause, modified to indicate that the contractor, not the Government, awards the subcontract and administers the performance-based payments . . ." However, FAR clause 52.232-32 does not include instructions to the contractor to flowdown the requirements to the subcontractor. The FAR recognizes that prudent contract financing can be a useful working tool in Government acquisition. Performance-based payments are a form of contract financing authorized by the FAR under certain conditions. The proposed rule would merely make it clear to the contractor under which circumstances the substance of this form of contract financing is required to flow down to the subcontractor, when FAR 52.232-32 is included in its contract.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AN49

**232. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-004, Provisions and Clauses for Acquisitions of Commercial Items and Acquisitions That Do Not Exceed the Simplified Acquisition Threshold (SAT)**

*Legal Authority:* Not Yet Determined

*Abstract:* DoD, GSA, and NASA are proposing to revise the FAR with an internal administrative change to support the use of automated contract writing systems and reduce FAR maintenance when clauses are updated. Currently, the FAR provides a single, consolidated list of all provisions and clauses applicable to the acquisition of commercial items. When new clauses applicable to commercial items are added the FAR, a manual process of cross checking and renumbering of the list is employed the conform the FAR, The process is cumbersome and inefficient, and challenging to maintain, especially for contract writing systems. The propose rule would propose a change to each clause prescription and each clause flowdown for commercial items to specify required information within the prescription/clause itself, without having to cross-check another clause, list or other parts of the FAR.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN51

**233. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-006, Exception From Certified Cost or Pricing Data Requirements-Adequate Price *Competition***

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to implement section 822 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 ([*Pub. L. 114-328). This addresses the exception from certified cost or pricing data requirements when price is based on adequate price* ***competition****. It also limits the exception for price based on adequate price* ***competition*** *to circumstances in which there is adequate* ***competition*** *that results in at least two or more responsive and viable* ***competing*** *bids.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5RRK-3VP0-0019-T34P-00000-00&context=)

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 08/00/17 |  |
| NPRM Comment Period End | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN53

**234. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-010, Evaluation Factors for Multiple-Award Contracts**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to implement section 825 of the NDAA for FY 17 ([*Pub. L. 114-328) which changes the requirement regarding the consideration of cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task order contracts. At the Government's discretion, solicitations for multiple-award contracts, which intend to award the same or similar services to each qualifying offeror, do not require price or cost as an evaluation factor for the base contract award. This exception does not apply to*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5RRK-3VP0-0019-T34P-00000-00&context=) **[\*40374]** solicitations for multiple-award contracts that provide for sole source orders pursuant to section 8(a) of the Small Business Act [*(15 U.S.C. 637*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GMT1-NRF4-42TB-00000-00&context=)(a)). When cost or price is not considered in evaluation of the base award, the contracting officer must consider price or cost as one of the factors in the selection decision for each order.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 09/00/17 |  |
| NPRM Comment Period End | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN54

**235. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-026, Contractor Use of Mandatory Sources of Supply in Service Contracts**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) clause associated with the AbilityOne Program. These revisions respond to concerns raised by the Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) that a FAR clarification is necessary for situations when Government agencies contract with commercial sources to perform an agency's service function. The Committee believes that reductions in procurement of several service-related supplies has adversely affected employment of people who are blind or have significant disabilities because of the lack of this clarification.

The proposed revision will emphasize that contractors must use mandatory sources of supply in service contracts and to update the procedures associated with purchases made through the AbilityOne Program to conform to the current Committee regulatory administration of this statutory program. The rule will clarify the obligation for Government agencies to satisfy their requirements for certain supplies and services from the Procurement List maintained by the Committee.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 10/00/17 |  |
| NPRM Comment Period End | 12/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN55

**236. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-016, Controlled Unclassified Information (CUI)**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of Nov 4, 2010. As the executive agent designated to oversee the governmentwide CUI program, NARA issued implementing ***regulations*** in late 2016 designed to address agency policies for designating, safeguarding, disseminating, marking, decontrolling and disposing of CUI. The NARA rule affects contractors that handle, possess, use, share or receive CUI. The NARA ***regulation*** is codified at 32 CFR 2002. This FAR rule is necessary to ensure uniform implementation of the requirements of the CUI program in contracts across the government, thereby avoiding potentially inconsistent agency-level action.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 12/00/17 |  |
| NPRM Comment Period End | 02/00/18 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN56

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

**Final Rule Stage**

**237. Federal Acquisition *Regulation* (FAR); FAR Case 2015-015; Strategic Sourcing Documentation**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition ***Regulation*** (FAR) to implement a section of the Carl Levin and Howard P. Buck" McKeon National Defense Authorization Act for Fiscal Year 2015. This section requires the contract file shall contain certain documentation if the Federal Government makes a purchase of supplies and services offered under the Federal Strategic Sourcing Initiative (FSSI), but the FSSI is not used. The contract file for the purchase shall include a brief analysis of the comparative value, including price and non-price factors, between the supplies and services offered under the FSSI and those offered under the source(s) to be used for the purchase.

While all action involved on the rule is internal to the Government, the documentation requirement ensures a contracting officer considers contract vehicles under the Federal Strategic Sourcing Initiative (FSSI). In doing so, the rule will raise the visibility of these strategic sourcing solutions, promote their use, and help to better leverage the Government's buying power.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 06/20/16 | [*81 FR 39883*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5K26-K5K0-006W-80DC-00000-00&context=) |
| NPRM Comment Period End | 08/19/16 |  |
| Final Rule | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AM89

**238. Federal Acquisition *Regulation* (FAR); FAR Case 2013-018; Clarification of Requirement for Justifications for 8(A) Sole Source Contracts**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are implementing a final rule to amend the Federal Acquisition ***Regulation*** to clarify the guidance for sole source 8(a) contract awards exceeding $22 million. This rule implements guidance from a Government Accountability Office report entitled Federal Contracting: Slow Start to Implementation of Justifications for 8(a) Sole-Source Contracts" (GA0-13-118, December 2012). Sole-source contracting ***regulations*** are statutory and are found in section 811 of the National Defense **[\*40375]** Authorization Act for Fiscal Year 2010 (Pub. L. 11184) (see [*77 FR 23369).*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:55F6-Y4S0-006W-827F-00000-00&context=) These clarifications improve the contracting officer's ability to comply with the sole source contracts statutory requirements.

The GAO report indicates that the FAR needed additional clarification of justification to help ensure that agencies are applying the requirement consistently. This rule provides such guidance, including when justification is necessary, how contracting officers should comply, and when a separate sole-source justification is necessary for out-of-scope modifications to 8(a) sole-source contracts.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 11/15/16 | [*81 FR 80012*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5M5S-DW50-006W-81DF-00000-00&context=) |
| NPRM Comment Period End | 01/17/17 |  |
| Final Rule | 10/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov)*.*

*RIN:* 9000-AM90

**239. Federal Acquisition *Regulation* (FAR); FAR Case 2014-002; Set-Asides Under Multiple Award Contracts**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing a final rule amending the FAR to implement regulatory changes regarding procedures for the use of small business partial set-asides, reserves, and orders placed under multiple-award contracts. This rule incorporates statutory requirements discussed at section 1331 of the Small Business Jobs Act of 2010 [*(15 U.S.C. 644*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GVP1-NRF4-4454-00000-00&context=)(r)) and the Small Business Administration's final rule at [*78 FR 61114,*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:59GN-TN50-006W-83D5-00000-00&context=) dated October 2, 2013.

The rule increases small business participation in Federal prime contracts by ensuring that small businesses have greater access to multiple award contracts and clarifying the procedures for submitting proposals for partial set-asides, reserves, and orders placed under such contracts.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 12/06/16 | [*81 FR 88072*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MB7-PNF0-006W-83RC-00000-00&context=) |
| NPRM Comment Period End | 02/06/17 |  |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov)*.*

*RIN:* 9000-AM93

**240. Federal Acquisition *Regulation* (FAR); FAR Case 2015-017; Combating Trafficking in Persons-Definition of "Recruitment Fees"**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing a final rule to revise the FAR to implement Executive Order (E.O.) 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts, and title XVII of the National Defense Authorization Act for Fiscal Year 2013, which became effective on March 2, 2015. The rule adds a definition of "recruitment fees" to subpart 22.17, Combating Trafficking in Persons, and the associated clause in order to clarify how the Government treats this prohibited practice that has been associated with labor trafficking under contracts and subcontracts.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 05/11/16 | [*81 FR 29244*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5JRN-R9B0-006W-81D3-00000-00&context=) |
| NPRM Comment Period End | 07/11/16 |  |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Cecelia L. Davis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219-0202, *Email:* [*cecelia.davis@gsa.gov*](mailto:cecelia.davis@gsa.gov)*.*

*RIN:* 9000-AN02

**241. Federal Acquisition *Regulation* (FAR); FAR Case 2016-007, Non-Retaliation for Disclosure of Compensation Information**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA plan to adopt as final, without change, an interim rule amending the Federal Acquisition ***Regulation*** (FAR) to implement Executive Order (E.O.) 13665, entitled "Non-Retaliation for Disclosure of Compensation Information." signed April 8, 2014, [*(79 FR 20749)*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5BYD-TBG0-006W-825M-00000-00&context=) and the final rule issued by the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor (DOL) at [*80 FR 54934,*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5GWV-YC70-006W-815M-00000-00&context=) on September 11, 2015, entitled 'Government Contractors, Prohibitions Against Pay Secrecy Policies and Actions.'

This rule provides for a uniform policy for the Federal Government to prohibit Federal contractors from discriminating against employees and job applicants who inquire about, discuss, or disclose their own compensation or the compensation of other employees or applicants.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Interim Final Rule | 09/30/16 | [*81 FR 67732*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5KTY-WMY0-006W-81RC-00000-00&context=) |
| Interim Final Rule | 11/29/16 |  |
| Comment Period End |  |  |
| Final Rule | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AN10

**242. Federal Acquisition *Regulation* (FAR); FAR Case 2015-005, System for Award Management Registration**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition ***Regulation*** (FAR) to update the instructions for System for Award Management (SAM) registration requirements and to correct an inconsistency with offeror representation and certification requirements. This rule makes consistent the language regarding offerors' registration in SAM prior to submitting an offer or prior to award. The instructions clarify that once a business is registered in the SAM database, it is only required to update the SAM database registration in accordance with the clause 52.204-7 or if there are new decisions on its labor violations at clause 52.222-59.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 05/20/16 | [*81 FR 31895*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5JTK-GS30-006W-82FP-00000-00&context=) |
| NPRM Comment Period End | 07/19/16 |  |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov)*.*

*RIN:* 9000-AN19 **[\*40376]**

**243. Federal Acquisition *Regulation* (FAR); FAR Case 2015-039, Audit of Settlement Proposals**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amends the Federal Acquisition ***Regulation*** (FAR) to raise the dollar threshold requirement for the audit of prime contract settlement proposals and subcontract settlements from $100,000 to the Truth In Negotiation Act (TINA) threshold of $750,000 to help alleviate the backlog of contract close-outs and to enable contracting officers to more quickly deobligate excess funds from terminated contracts.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 09/14/16 | *81 FR 63158* |
| NPRM Comment Period End | 11/14/16 |  |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN26

**244. Federal Acquisition *Regulation* (FAR); FAR Case 2017-001, Paid Sick Leave for Federal Contractors**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA plan to finalize an interim rule amending the Federal Acquisition ***Regulation*** (FAR) requiring Federal Government contractors to ensure that employees on those contracts can earn up to 7 days or more of paid sick leave annually, including paid sick leave for family care. This rule implements the objective of E.O. 13706, Establishing Paid Sick Leave for Federal Contractors and Department of Labor's final rule codified at 29 CFR part 13.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Interim Final Rule | 12/16/16 | [*81 FR 91627*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MDC-HB90-006W-8505-00000-00&context=) |
| Interim Final Rule | 01/01/17 |  |
| Effective |  |  |
| Interim Final Rule | 02/14/17 |  |
| Comment Period End |  |  |
| Final Rule | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AN27

**245. . Federal Acquisition *Regulation* (FAR); FAR Case 2015-033, Sustainable Acquisition**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA and NASA plan to issue a final rule to amends the FAR to add a new definition for sustainable products and services and update several existing definitions germane to sustainable acquisition. This rule will also provide two new Web sites to help contractors understand the sustainable acquisition requirements and gain access to a listing of sustainable products and services as determined by the Federal Government. The rule implements Executive Order 13693, Planning for Federal Sustainability in the Next Decade (supersedes E.O.s 13423 and 13514), and the biobased product acquisition provisions of the Agricultural Act of 2014 (also known as the 2014 Farm Bill).

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 01/18/17 | [*82 FR 5490*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MNF-PGM0-006W-83BG-00000-00&context=) |
| NPRM Comment Period End | 03/20/17 |  |
| Final Rule | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 795-6328, *Email:* [*chuck.gray@gsa.gov*](mailto:chuck.gray@gsa.gov)*.*

*RIN:* 9000-AN28

**246. . Federal Acquisition *Regulation*: FAR CASE 2016-005; Effective Communication Between Government and Industry**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* The Council amends the FAR to implement section 887 of the NDAA for FY 2016 (*Pub. L. 114-92), which provides that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry.*

The rule clarifies agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, in a manner consistent with existing law and ***regulation*** and without promoting an unfair ***competitive*** advantage.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 11/29/16 | [*81 FR 85914*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5M8S-15B0-006W-82XN-00000-00&context=) |
| NPRM Comment Period End | 03/02/17 |  |
| Final Rule | 11/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN29

**247. . Federal Acquisition *Regulation* (FAR); FAR Case 2016-011, (S) Revision of Limitations on Subcontracting**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are issuing an interim rule is to amend the Federal Acquisition ***Regulation*** (FAR) to revise and standardize the limitations on subcontracting (LOS), including the nonmanufacturer rule (NMR), which apply to small business concerns under FAR part 19 procurements. This FAR change incorporates SBA final rule which implemented the statutory requirements of section 1651 of the National Defense Authorization Act for Fiscal Year 2013. This action is necessary to meet the Congressional intent of clarifying the limitations on subcontracting with which small businesses must comply, as well as the ways in which they can comply. Failure to implement section 1651 promptly will prevent small businesses from taking advantage of subcontracts with similarly situated entities. As a result, small businesses may be unable to ***compete*** for larger contracts, which would adversely affect their potential for growth as well as that of their potential subcontractors.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Interim Final Rule | 08/00/17 |  |
| Interim Final Rule | 10/00/17 |  |
| Comment Period End |  |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov)*.*

*RIN:* 9000-AN35 **[\*40377]**

**248. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-004, Rate Adjustment of Liquidated Damages**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA plan to issue a final rule amending the Federal Acquisition ***Regulation*** (FAR) to adjust the civil monetary penalties for inflation pursuant to the Inflation Adjustment Act Improvements Act. This Act requires agencies to adjust the levels of civil monetary penalties with an initial catch-up adjustment, followed by the annual adjustment for inflation.

This rule implements the Department of Labor (DOL) interim final rule published in the **Federal Register** at [*81 FR 43430*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5K4J-B5K0-006W-8213-00000-00&context=) on July 1, 2016, finalized at [*82 FR 5373*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MNF-PGK0-006W-839P-00000-00&context=) on January 18, 2017. The DOL rule adjusted the civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of *Pub. L. 114-74).*

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AN37

**249. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-007, Task- and Delivery-Order Protests**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA plan to issue a final rule to raise the threshold for task- and delivery-order protests from $10 million to $25 million for DoD and make permanent the General Accountability Office's authority to hear protests on civilian task or delivery contracts valued in excess of $10 million. The rule implements sections 835 of the National Defense Authorization Act for FY 2017 ([*Pub. L. 114-328) and*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5RRK-3VP0-0019-T34P-00000-00&context=) *Public Law 114-260 835(a). Implementation of the Act reinforces the importance of bid protests in the procurement process as it provides relief to protestors either a sustain" decision or voluntary agency corrective action.*

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 09/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Gray, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 703 795-6328, *Email:* [*chuck.gray@gsa.gov*](mailto:chuck.gray@gsa.gov)*.*

*RIN:* 9000-AN41

**250. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-009, Special Emergency Procurement Authority**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* The Council is proposing to amend the Federal Acquisition ***Regulation*** (FAR) to implement sections 816 and 1641 of the National Defense Authorization Act for Fiscal Year 2017 ([*Pub. L. 114-328). Section 816 adds international disaster assistance under the Foreign Assistance Act of 1961 and emergency or disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Section 1641 adds special emergency procurement authority to facilitate defense against or recovery from a cyber-attack.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5RRK-3VP0-0019-T34P-00000-00&context=)

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 08/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN45

**251. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-012, Increased Micro-Purchase Threshold for Certain Procurement Activities**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA plan to issue a final rule to implement section 217(b)(1) of the NDAA for FY 2017 ([*Pub. L. 114-328). This section provide a micro-purchase threshold of $10,000 or a higher amount, as determined appropriate by the head of the executive agency and consistent with clean audit findings under chapter 75 of title 31, internal institutional risk assessment, or state law. This new threshold applies to awards to institutions of higher education or related or affiliated nonprofit entities, or to nonprofit research organizations or independent research institutes.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5RRK-3VP0-0019-T34P-00000-00&context=)

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 08/00/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 208-4949, *Email:* [*michaelo.jackson@gsa.gov*](mailto:michaelo.jackson@gsa.gov)*.*

*RIN:* 9000-AN50

**252. . Federal Acquisition *Regulation* (FAR); FAR Case 2017-015, Removal of Fair Pay and Safe Workplaces Rule**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA and NASA plan to issue a final rule to repeal the implementation of Executive Order 13673 on Fair Pay and Safe Workplaces since Executive Order 13673 was officially nullified on March 27, 2017 (see *Pub. L. 115-11). Additionally, Executive Order 13782 of March 30, 2017, revoked Executive Order 13673, section 3 of Executive Order 13683 of December 11, 2014, and Executive Order 13738 of August 23, 2016. This action was made to have no force or effect by an enacted joint resolution of disapproval under the Congressional Review Act, H.J. Res. 37 (Pub. L. 115-11).*

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule, CRA | 06/00/17 |  |
| Revocation |  |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AN52

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

**Long-Term Actions**

**253. Federal Acquisition *Regulation* (FAR); FAR Case 2013-002; Expanded Reporting of Nonconforming Supplies**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition ***Regulation*** (FAR) to expand **[\*40378]** Government and contractor requirements for reporting of nonconforming items. This rule partially implements section 818 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 and implement requirements of the Office of Federal Procurement Policy (OFPP) Policy Letter 91-3, entitled "Reporting Nonconforming Products," dated April 9, 1991.

This change will help mitigate the growing threat that counterfeit items pose when used in systems vital to an agency's mission. The primary benefit of this rule is to reduce the risk of counterfeit items entering the supply chain by ensuring that contractors report suspect items to a widely available database.

*Timetable:*

| **Action** | **Date** | **FR Cite** |
| --- | --- | --- |
| NPRM | 06/10/14 | [*79 FR 33164*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5CD6-9CR0-006W-83CW-00000-00&context=) |
| NPRM Comment Period End | 08/11/14 |  |
| Final Rule | 06/00/18 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AM58

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

**Completed Actions**

**254. Federal Acquisition *Regulation* (FAR); FAR Case 2010-013; Privacy Training**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA issued a final rule to amend the Federal Acquisition ***Regulation*** (FAR) to ensure all contractors are required to complete training in the protection of privacy and the handling and safeguarding of Personally Identifiable Information (PII). The proposed FAR language provides flexibility for agencies to conduct the privacy training or require the contractor to conduct the privacy training.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 12/20/16 | *81 FR 93476* |
| Final Rule Effective | 01/19/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Gray, *Phone:* 202 795-6328, *Email:* [*charles.gray@gsa.gov*](mailto:charles.gray@gsa.gov)*.*

*RIN:* 9000-AM02

**255. Federal Acquisition *Regulation* (FAR); FAR Case 2012-025; Applicability of the Senior Executive Compensation Benchmark**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* Withdrawal Justification: The NDAA for FY 17 repealed the retroactive applicability of the cap on contractor employee compensation (for allowability purposes), set forth in section 803(c) of the NDAA for FY 12 (Pub. L. 11281; *125 Stat. 1485;* [*10 U.S.C. 2324*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GJ51-NRF4-42Y7-00000-00&context=) note). Accordingly, the case was closed once the NDAA for FY 17 was signed into law.)

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Withdrawn | 03/15/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, *Phone:* 202 969-7207,*Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AM39

**256. Federal Acquisition *Regulation* (FAR); FAR Case 2012-022; Contracts Under the Small Business Administration 8(a) Program**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to implement revisions made by the Small Business Administration to its ***regulations*** implementing section 8(a) of the Small Business Act, and to provide additional FAR coverage regarding protesting an 8(a) participant's eligibility or size status, procedures for releasing a requirement for non-8(a) procurements, and the ways a participant could exit the 8(a) Business Development program.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 01/13/17 | [*82 FR 4724*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MMB-NNP0-006W-82Y6-00000-00&context=) |
| Final Rule Effective | 01/13/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov)*.*

*RIN:* 9000-AM68

**257. Federal Acquisition *Regulation* (FAR); FAR Case 2013-014; Uniform Use of Line Items**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** to establish and require a uniform use of a line item identification structure in Federal procurement. The system is designed to improve the accuracy, traceability, and usability of procurement data.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 01/13/17 | [*82 FR 4709*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MMB-NNP0-006W-82Y3-00000-00&context=) |
| Final Rule Effective | 01/13/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis; *Phone:* 202 550-0935; *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AM73

**258. Federal Acquisition *Regulation* (FAR); FAR Case 2014-003; Small Business Subcontracting Improvements**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to implement regulatory changes made by the Small Business Administration (SBA) in its final rule, concerning small business subcontracting. Among other things, SBA's final rule implements the statutory requirements set forth at sections 1321 and 1322 of the Small Business Jobs Act of 2010.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule Effective | 11/01/16 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Mahruba Uddowla, *Phone:* 703 605-2868, *Email:* [*mahruba.uddowla@gsa.gov*](mailto:mahruba.uddowla@gsa.gov)*.*

*RIN:* 9000-AM91

**259. Federal Acquisition *Regulation* (FAR); FAR Case 2015-016; Prohibition on Reimbursement for Congressional Investigations and Inquiries**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition **[\*40379]** ***Regulation*** (FAR) to implement section 857 of the Carl Levin and Howard P. Buck' McKeon National Defense Authorization Act for Fiscal Year 2015. This section provides additional requirements relative to the allowability of costs incurred by a contractor in connection with a congressional investigation or inquiry.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 01/13/17 | [*82 FR 4732*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MMB-NNP0-006W-82Y7-00000-00&context=) |
| Final Rule Effective | 01/13/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Zenaida Delgado, *Phone:* 202 969-7207, *Email:* [*zenaida.delgado@gsa.gov*](mailto:zenaida.delgado@gsa.gov)*.*

*RIN:* 9000-AM97

**260. Federal Acquisition *Regulation* (FAR); FAR Case 2014-004; Payment of Subcontractors**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to implement a section of the Small Business Jobs Act of 2010. This statute requires contractors to notify the contracting officer in writing if the contractor pays a reduced price to a small business subcontractor, or if the contractor's payment to a small business contractor is more than 90 days past due. Additional information is located in the FAR final plan (2016), available at: [*https://www.acquisition.gov/*](https://www.acquisition.gov/)*.*

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 12/20/16 | [*81 FR 93481*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MF7-J260-006W-804T-00000-00&context=) |
| Final Rule Effective | 01/19/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Curtis E Glover, *Phone:* 202 501-1448, *Email:* [*curtis.glover@gsa.gov*](mailto:curtis.glover@gsa.gov)*.*

*RIN:* 9000-AM98

**261. Federal Acquisition *Regulation* (FAR); FAR Case 2015-012; Contractor Employee Internal Confidentiality Agreements**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to implement a section of the Consolidated and Further Continuing Appropriations Act, 2015, that prohibits the use of funds, appropriated or otherwise made available, for a contract with an entity that requires employees or subcontractors to sign an internal confidentiality agreement that restricts such employees or subcontractors from lawfully reporting waste, fraud, or abuse to a designated Government representative authorized to receive such information.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 01/13/17 | [*82 FR 4717*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MMB-NNP0-006W-82Y5-00000-00&context=) |
| Final Rule Effective | 01/19/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Cecelia L Davis, *Phone:* 202 219-0202, *Email:* [*cecelia.davis@gsa.gov*](mailto:cecelia.davis@gsa.gov)*.*

*RIN:* 9000-AN04

**262. Federal Acquisition *Regulation* (FAR); FAR Case 2016-004; Acquisition Threshold for Special Emergency Procurement Authority**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the FAR to implement section 816 of the National Defense Authorization Act for Fiscal Year 2016 to raise the simplified acquisition threshold for special emergency procurement authority from $300,000 to $750,000 (within the United States) and from $1 million to $1.5 million (outside the United States). The threshold is used to support contingency operations or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 01/13/17 | [*82 FR 4716*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5MMB-NNP0-006W-82Y4-00000-00&context=) |
| Final Rule Effective | 01/13/17 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN18

**263. Federal *Regulation* Acquisition (FAR); FAR Case 2015-024, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals-Representation**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to create an annual representation within the System for Award Management for vendors to indicate if and where they publicly disclose greenhouse gas emissions and greenhouse gas reduction goals or targets. This information will help the Government assess supplier greenhouse gas management practices and assist agencies in developing strategies to engage with contractors to reduce supply chain emissions, as directed in the Executive Order on Planning for Federal Sustainability in the Next Decade.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 11/18/16 | *81 FR 83092* |
| Final Rule Effective | 12/19/16 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles Gray, *Phone:* 703 795-6328, *Email:* [*charles.gray@gsa.gov*](mailto:charles.gray@gsa.gov)*.*

*RIN:* 9000-AN20

**264. Federal Acquisition *Regulation* (FAR); FAR Case 2015-035, Removal of *Regulations* Relating to Telegraphic Communication**

*Legal Authority:* *40 U.S.C. 121*(c); [*10 U.S.C. ch 137;*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GV41-NRF4-43JJ-00000-00&context=) [*51 U.S.C. 20113*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:51XY-XHR1-NRF4-4003-00000-00&context=)

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition ***Regulation*** (FAR) to delete the use of telegram, telegraph, and related terms. The objective is to delete reference to obsolete technologies no longer in use and replace with references to electronic communications. In addition, conforming changes are proposed covering expedited notice of termination and change orders.

Completed:

| **Reason** | **Date** | **FR Cite** |
| --- | --- | --- |
| Final Rule | 11/18/16 | [*81 FR 83097*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5M6D-FCM0-006W-8213-00000-00&context=) |
| Final Rule Effective | 12/19/16 |  |

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Camara Francis, *Phone:* 202 550-0935, *Email:* [*camara.francis@gsa.gov*](mailto:camara.francis@gsa.gov)*.*

*RIN:* 9000-AN23

[FR Doc. 2017-17028 Filed 8-23-17; 8:45 am]

BILLING CODE 6820-EP-P

**Contacts**

**FOR FURTHER INFORMATION CONTACT:** Joanne Sosa, Regulatory Secretariat Division, 1800 F Street NW., Washington, DC 20405, or via telephone at 202-501-4755.

FEDERAL REGISTER

**End of Document**