



# Federal Register

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**Monday,  
December 13, 2004**

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**Part XLVI**

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

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**Federal Acquisition Regulation;  
Semiannual Regulatory Agenda**

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

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES  
ADMINISTRATION**

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**48 CFR Ch. 1**

**Semiannual Regulatory Agenda**

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in

compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory and Federal Assistance Publication 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. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the

Government’s rulemaking website at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laurie Duarte, Regulatory and Federal Assistance Publication Division, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of 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 website at <http://www.arnet.gov/FAR>.

**Dated:** September 28, 2004.

**Ralph J. De Stefano,**  
*Acting Director, Contract Policy Division.*

**DOD/GSA/NASA (FAR)—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
3753	FAR Case 2003-027, Additional Commercial Contract Types .....	9000-AK07

**DOD/GSA/NASA (FAR)—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3754	FAR Case 2003-015, Applicability of SDB and HUBZone Price Evaluation Factor .....	9000-AK02
3755	FAR Case 2004-006, Accounting for Unallowable Costs .....	9000-AK06
3756	FAR Case 2004-007, Federal Technical Data Solution .....	9000-AK08

**DOD/GSA/NASA (FAR)—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3757	FAR Case 1999-025, Cost Accounting Standards Administration .....	9000-AI70
3758	FAR Case 2001-031, Deferred Compensation and Post-Retirement Benefits Other Than Pensions .....	9000-AJ67
3759	FAR Case 2001-018, Applicability of the Cost Principles and Penalties for Unallowable Costs .....	9000-AJ77
3760	FAR Case 2002-004, Labor Standards for Contracts Involving Construction .....	9000-AJ79
3761	FAR Case 2002-024, Electronic Representations and Certifications .....	9000-AJ80
3762	FAR Case 2003-022, Special Emergency Procurement Authority .....	9000-AJ88
3763	FAR Case 2003-010, Mentor-Protege Program—Delegation of Approval Authority for Mentor-Protege Agreements .....	9000-AJ90
3764	FAR Case 2003-023, Purchases From Federal Prison Industries—Requirement for Market Research .....	9000-AJ91
3765	FAR Case 2003-025, Telecommuting for Federal Contractors .....	9000-AK03
3766	FAR Case 2004-020, Section 508 Micropurchases Exemption .....	9000-AK05

**FAR**

**DOD/GSA/NASA (FAR)—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3767	FAR Case 1989-093, Implementation of the Anti-Lobbying Statute .....	9000-AD76
3768	FAR Case 1998-020, Hazardous Material Safety Data .....	9000-AJ21
3769	FAR Case 2001-021, Training and Education Cost Principle .....	9000-AJ38
3770	FAR Case 2000-305, Commercially Available Off-the-Shelf Items .....	9000-AJ55
3771	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language .....	9000-AJ64
3772	FAR Case 2003-008, Share-in-Savings Contracting .....	9000-AJ74
3773	FAR Case 2002-021, Subcontracts for Commercial Items and Commercial Components .....	9000-AJ75
3774	FAR Case 2002-023, Excluded Parties System Enhancement .....	9000-AJ78
3775	FAR Case 2003-002, Reimbursement of Relocation Costs on a Lump-Sum Basis .....	9000-AJ81
3776	FAR Case 2002-005, Transportation: Standard Industry Practices .....	9000-AJ84
3777	FAR Case 2004-002, Service-Disabled Veteran-Owned Small Business Concerns .....	9000-AJ92
3778	FAR Case 2004-005, Gains and Losses .....	9000-AJ93
3779	FAR Case 2004-003, Payment Withholding .....	9000-AJ94
3780	FAR Case 2003-021, Nonavailable Articles—Policy .....	9000-AJ95
3781	FAR Case 2004-004, Incentives for Use of Performance-Based Contracting for Services .....	9000-AJ97
3782	FAR Case 2002-015, Government Property Rental and Special Tooling .....	9000-AJ99
3783	FAR Case 2003-018, Performance-Based Service Acquisition .....	9000-AK00
3784	FAR Case 2003-029, Powers of Attorney for Bid Bonds .....	9000-AK01
3785	FAR Case 2004-010, Notification of Employee Rights—Union Dues and Fees .....	9000-AK04

**DOD/GSA/NASA (FAR)—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3786	FAR Case 2000-608, New Consolidated Form for Selection of Architect-Engineer Contractors (SF-330) .....	9000-AJ15
3787	FAR Case 2002-011, Procurement of Printing and Duplicating Through the Government Printing Office .....	9000-AJ51
3788	FAR Case 1999-603, Federal Supply Schedule Services and Blanket Purchase Agreements .....	9000-AJ63
3789	FAR Case 2002-006, Application of the Cost Principles and Procedures and Accounting for Unallowable Costs ....	9000-AJ65
3790	FAR Case 2002-008, Gain and Losses, Maintenance and Repair Costs and Material Costs .....	9000-AJ69
3791	FAR Case 2003-007, Buy American Act—Nonavailable Articles .....	9000-AJ72
3792	FAR Case 2002-017, Elimination of Standard Form 1417, Pre-Solicitation Notice (Construction Contract) .....	9000-AJ73
3793	FAR Case 2003-013, Procurement List .....	9000-AJ82
3794	FAR Case 2002-013, Definitions Clause .....	9000-AJ83
3795	FAR Case 2003-016, Free Trade Agreements—Chile and Singapore and Trade Agreements Thresholds .....	9000-AJ87
3796	FAR Case 2004-008, Designated Countries—New European Union Members .....	9000-AJ96
3797	FAR Case 2004-009, Determining Official for Employment Provision Compliance—Immigration and Nationality Act (INA) .....	9000-AJ98

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

**Prerule Stage**

**3753. • FAR CASE 2003-027,  
ADDITIONAL COMMERCIAL  
CONTRACT TYPES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137 ; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 10; 48 CFR 12; 48 CFR 16; 48 CFR 52; . . .

**Legal Deadline:** None

**Abstract:** This advance notice of proposed rulemaking is being issued to solicit comments that can be used to assist in the implementation of section 1432 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) in the Federal Acquisition Regulation (FAR). This regulatory action was not subject to Office of Management and Budget

review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/20/04	69 FR 56316
ANPRM Comment Period End	11/19/04	

## FAR

Prerule Stage

Action	Date	FR Cite
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Next Action	To Be	Determined
Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK07

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

Proposed Rule Stage

**3754. • FAR CASE 2003-015,  
APPLICABILITY OF SDB AND  
HUBZONE PRICE EVALUATION  
FACTOR**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 19; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) at the request of the Small Business Administration, in order to remove some of the exceptions to the applicability of the Small Disadvantaged Business (SDB) and HUBZone price evaluation factor. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
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NPRM	09/02/04	69 FR 53780
NPRM Comment	11/01/04	
Period End		
Next Action	To Be	Determined
Undetermined		

Next Action

To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK02

**3755. • FAR CASE 2004-006,  
ACCOUNTING FOR UNALLOWABLE  
COSTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 31

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) by revising FAR 31.201-6, Accounting for Unallowable Costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
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NPRM	09/28/04	69 FR 58014
NPRM Comment	11/29/04	
Period End		
Next Action	To Be	Determined
Undetermined		

Next Action

To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK06

**3756. • FAR CASE 2004-007,  
FEDERAL TECHNICAL DATA  
SOLUTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 7

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to provide for the access and distribution of solicitation requirements or other documents (e.g., technical specifications, maps, building designs, schedules, etc.) when controls are necessary according to agency procedures through the Federal Technical Data Solution (FedTeds) website in lieu of the Governmentwide Point of Entry (GPE). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
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NPRM	11/01/04	69 FR 63436
NPRM Comment	01/03/05	
Period End		

Next Action

To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK08

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

Final Rule Stage

**3757. FAR CASE 1999-025, COST ACCOUNTING STANDARDS ADMINISTRATION**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 30; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule proposed amending the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20854
NPRM Comment Period End	06/19/00	
NPRM	07/03/03	68 FR 40104
NPRM Comment Period End	09/02/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AI70

**3758. FAR CASE 2001-031, DEFERRED COMPENSATION AND POST-RETIREMENT BENEFITS OTHER THAN PENSIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 31; 48 CFR 52

**Legal Deadline:** None

**Abstract:** The Civilian Agency Acquisition Council and the Defense

Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) by revising the paragraphs of the "compensation for personal services" cost principle relating to deferred compensation and post-retirement benefits other than pensions. This is not a significant regulatory action and, therefore, was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/03	68 FR 33326
NPRM Comment Period End	08/04/03	
Final Action	12/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ67

**3759. FAR CASE 2001-018, APPLICABILITY OF THE COST PRINCIPLES AND PENALTIES FOR UNALLOWABLE COSTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 15; 48 CFR 31; 48 CFR 42

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to remove the requirement to apply cost principles and procedures when pricing a contract if cost or pricing data are not obtained and to increase the contract dollar threshold for assessing a penalty if the contractor includes expressly unallowable costs in its claim for reimbursement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated

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

**Timetable:**

Action	Date	FR Cite
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ77

**3760. FAR CASE 2002-004, LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 53

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the revised definitions of "Construction" and "site of the work" in the Department of Labor (DOL) regulations. In addition, the Councils are proposing to clarify several definitions relating to labor standards for contracts involving construction and make requirements for flow down of labor clauses more precise. This rule was not subject to review under Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/03	68 FR 74404
NPRM Comment Period End	02/23/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

## FAR

## Final Rule Stage

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**RIN:** 9000-AJ79

### 3761. FAR CASE 2002-024, ELECTRONIC REPRESENTATIONS AND CERTIFICATIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 12; 48 CFR 14; 48 CFR 15; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to require offerors to submit representations and certifications electronically via the Business Partner Network (BPN), unless certain exceptions apply. The BPN is a grouping of systems that follow vendor data. Online Representations and Certifications Application (ORCA) is one application on the BPN to replace the paper-based Representations and Certifications (Reps and Certs) process. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### Timetable:

Action	Date	FR Cite
NPRM	01/27/04	69 FR 4012
NPRM Comment Period End	03/29/04	
Correction	02/05/04	69 FR 5480
Final Action	11/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Additional Information:** The Paperwork Reduction Act (Pub. L. 104-13) applies because the proposed rule contains information collection requirements.

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**RIN:** 9000-AJ80

### 3762. FAR CASE 2003-022, SPECIAL EMERGENCY PROCUREMENT AUTHORITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 428a

**CFR Citation:** 48 CFR 2; 48 CFR 10; 48 CFR 12; 48 CFR 13; 48 CFR 15; 48 CFR 19; 48 CFR 25; . . .

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the special emergency procurement authorities of section 1443 of the Services Acquisition Reform Act of 2003 (title XIV of Pub. L. 108-136). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/04	69 FR 8312
Interim Final Rule Effective	02/23/04	
Interim Final Rule Comment Period End	04/23/04	
Final Action	11/00/04	

#### Regulatory Flexibility Analysis

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ88

### 3763. FAR CASE 2003-010, MENTOR-PROTEGE PROGRAM—DELEGATION OF APPROVAL AUTHORITY FOR MENTOR-PROTEGE AGREEMENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 19

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to change the approval authority of Mentor-Protege Agreements for the DoD Military Department or Defense

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

#### Timetable:

Action	Date	FR Cite
NPRM	04/06/04	69 FR 18244
NPRM Comment Period End	06/07/04	
Final Action	11/00/04	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ90

### 3764. FAR CASE 2003-023, PURCHASES FROM FEDERAL PRISON INDUSTRIES—REQUIREMENT FOR MARKET RESEARCH

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 8; 48 CFR 19; 48 CFR 42; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 637 of Division F of the Consolidated Appropriations Act, 2004. Section 637 provides that no fiscal year 2004 funds shall be expended for purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making the purchase determines that the offered product or service provides the best value to the buying agency. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/04	69 FR 16148
Interim Final Rule Effective	03/26/04	

## FAR

## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/25/04	
Final Action	11/00/04	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AJ91**3765. • FAR CASE 2003-025, TELECOMMUTING FOR FEDERAL CONTRACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 7; 48 CFR 11; 48 CFR 13; 48 CFR 15**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 1428 of the Services Acquisition Reform Act of 2003, title XIV of Public Law 108-136, Authorization of Telecommuting for

Federal Contractors. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/04	69 FR 59701
Interim Final Rule Effective	10/05/04	
Interim Final Rule Comment Period End	12/06/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK03**3766. • FAR CASE 2004-020, SECTION 508 MICROPURCHASES EXEMPTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 39**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to extend the micro-purchase exemption for purchasing electronic and information technology (EIT) that conforms to the requirements of section 508 of the Rehabilitation Act of 1973 from October 1, 2004, to April 1, 2005. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/05/04	69 FR 59702
Interim Final Rule Effective	10/05/04	
Interim Final Rule Comment Period End	12/06/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK05**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

## Long-Term Actions

**3767. FAR CASE 1989-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 101-121, sec 319**CFR Citation:** 48 CFR 3; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Public Law 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds To Influence Certain Federal Contracting and Financial Transactions." Section 319 generally

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Interim Final Rule Comment Period End	04/02/90	
Next Action	Undetermined	

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal**URL For More Information:**

www.regulations.gov

## FAR

## Long-Term Actions

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**RIN:** 9000-AD76

### 3768. FAR CASE 1998-020, HAZARDOUS MATERIAL SAFETY DATA

**Priority:** Other Significant

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

**CFR Citation:** 48 CFR 23; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the policies and procedures for contractor submission of Material Safety Data Sheets (MSDSs). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/02	67 FR 632
NPRM Comment Period End	03/05/02	
NPRM	03/03/04	69 FR 10118
NPRM Comment Period End	05/03/04	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**Related RIN:** Previously reported as 9000-AI87

**RIN:** 9000-AJ21

### 3769. FAR CASE 2001-021, TRAINING AND EDUCATION COST PRINCIPLE

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 31

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/15/02	67 FR 34810
Correction	06/11/02	67 FR 40136
NPRM Comment Period End	07/15/02	
NPRM	01/29/04	69 FR 4436
NPRM Comment Period End	03/29/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405  
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**RIN:** 9000-AJ38

### 3770. FAR CASE 2000-305, COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 3; 48 CFR 12; 48 CFR 22; 48 CFR 23; 48 CFR 25; 48 CFR 27; 48 CFR 44; 48 CFR 47; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/03	68 FR 4874
ANPRM Comment Period End	03/31/03	
NPRM	01/15/04	69 FR 2448
NPRM Comment Period End	03/15/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ55

### 3771. FAR CASE 1999-402, FAR PART 27 REWRITE IN PLAIN LANGUAGE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 12; 48 CFR 19; 48 CFR 27; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to clarify, streamline, and update guidance and clauses on patents, data, and copyrights to provide a more logical presentation of this complex material. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/03	68 FR 31790
NPRM Comment Period End	07/28/03	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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## FAR

## Long-Term Actions

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RIN: 9000-AJ64

### 3772. FAR CASE 2003-008, SHARE-IN-SAVINGS CONTRACTING

**Priority:** Other Significant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c); PL 107-347, sec 210

**CFR Citation:** 48 CFR 16; 48 CFR 39

**Legal Deadline:** NPRM, Statutory, September 16, 2003.

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 210 of the E-Government Act of 2002, Public Law 107-347. Section 210 authorizes Governmentwide use of share-in-saving (SIS) contracts for information technology (IT). This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/01/03	68 FR 56613
Correction	10/15/03	68 FR 59447
ANPRM Comment	10/31/03	68 FR 56613
Period End		
NPRM	07/02/04	69 FR 40514
NPRM Comment	08/31/04	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AJ74

### 3773. FAR CASE 2002-021, SUBCONTRACTS FOR COMMERCIAL ITEMS AND COMMERCIAL COMPONENTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 44; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to require that the clause at 52.244-6 Subcontracts for Commercial Components be inserted in solicitations and contracts other than those for commercial items. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	10/27/03	68 FR 61302
NPRM Comment	12/26/03	
Period End		
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AJ75

### 3774. FAR CASE 2002-023, EXCLUDED PARTIES SYSTEM ENHANCEMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 9; 48 CFR 22; 48 CFR 28; 48 CFR 44; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to curtail the publication and obviate the need to publish the hardcopy publication of the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (List of Parties) produced by the Government Printing Office (GPO) and publish an electronic list of parties excluded from doing business with the Federal Government online identified as the Excluded Parties List System (System). The new electronic list will enable agencies to input their data directly to the Excluded Parties List System; improve the reliability of the System content by allowing content owners to directly input entries; provide access to

historical data that was previously provided through Freedom of Information Act (FOIA) procedures; enhance the ability to verify entries by permitting search by exact name and social security number; and shorten the lead time between exclusionary action taken by agencies and updating the list. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	12/01/03	68 FR 67354
NPRM Comment	01/30/04	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AJ78

### 3775. FAR CASE 2003-002, REIMBURSEMENT OF RELOCATION COSTS ON A LUMP-SUM BASIS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 31

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to expand the use of reimbursement on a lump-sum basis to certain types of employee relocation costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	12/11/03	68 FR 69264
NPRM Comment	02/09/04	
Period End		

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

## FAR

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ81

**3776. FAR CASE 2002-005, TRANSPORTATION: STANDARD INDUSTRY PRACTICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 42; 48 CFR 47; 48 CFR 52; 48 CFR 53

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement changes to the Interstate Transportation Act, which abolished tariff-filing requirements for motor carriers of freight and the Interstate Commerce Commission (ICC). Also, the rule implements changes to the Federal Management Regulation that require use of commercial bills of lading for domestic shipments. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/04	69 FR 4004
NPRM Comment Period End	03/29/04	
Next Action	Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ84

**3777. FAR CASE 2004-002, SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS**

**Priority:** Other Significant

**Legal Authority:** 40 USC 121(c); 19 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 6; 48 CFR 13; 48 CFR 14; 48 CFR 15; 48 CFR 19; 48 CFR 33; 48 CFR 36; 48 CFR 52

**Legal Deadline:** Other, Statutory, December 16, 2003, Interim rulemaking with public comments.

**Abstract:** This rule amends the Federal Acquisition Regulation to implement section 308 of the Veterans Benefits Act of 2003, Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns Owned and Controlled by Service-Disabled Veterans (Pub. L. 108-183). This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/05/04	69 FR 25274
Interim Final Rule Effective	05/05/04	
Interim Final Rule Comment Period End	07/06/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ92

**3778. FAR CASE 2004-005, GAINS AND LOSSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 31

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation to revise cost

principle at FAR 31.205-16, Gains and Losses, on disposition or impairment of depreciable property or other capital assets. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	05/21/04	69 FR 29380
NPRM Comment Period End	07/20/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ93

**3779. FAR CASE 2004-003, PAYMENT WITHHOLDING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 14; 48 CFR 32; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation by removing the requirement that a contracting officer withhold 5 percent of the payments due under a time-and-materials or labor-hour contract, unless otherwise prescribed in the contract schedule. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/04	69 FR 29388
NPRM Comment Period End	07/26/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

## FAR

## Long-Term Actions

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ94

**3780. FAR CASE 2003-021, NONAVAILABLE ARTICLES—POLICY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 25

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to clarify the intent of the list of items determined to be nonavailable for purposes of the Buy American Act and emphasize the need to conduct market research, appropriate to the circumstances, for potential domestic sources. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/04	69 FR 29632
NPRM Comment Period End	07/23/04	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ95

**3781. • FAR CASE 2004-004, INCENTIVES FOR USE OF PERFORMANCE-BASED CONTRACTING FOR SERVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 12; 48 CFR 37; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement sections 1431 and 1433 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/18/04	69 FR 34226
Interim Final Rule Effective	06/18/04	
Interim Final Rule Comment Period End	08/17/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ97

**3782. • FAR CASE 2002-015, GOVERNMENT PROPERTY RENTAL AND SPECIAL TOOLING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 45; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to incorporate Class Deviation 98-00010, Use and Charges, and Class Deviation 98-00010, Special Tooling, both of which have been applicable to the Department of Defense since 1998. Both deviations are appropriate for application across the Federal Government. The change clarifies the basis for determining the rental charges for the use of Government property and is intended to promote the dual use of such property. It also revises the special tooling clause and addresses the

issue of title to special tooling. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804. The Paperwork Reduction Act (Pub. L. 104-13) does apply.

**Timetable:**

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42544
NPRM Comment Period End	09/13/04	

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ99

**3783. • FAR CASE 2003-018, PERFORMANCE-BASED SERVICE ACQUISITION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 7; 48 CFR 11; 48 CFR 16; 48 CFR 37; 48 CFR 39; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to change the terms performance-based contracting (PBC) and performance-based service contracting (PBSC) to performance-based acquisition (PBA) or performance-based service acquisition (PBSA) in areas of the FAR where appropriate. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/04	69 FR 43712
NPRM Comment Period End	09/20/04	
Final Action	To Be	Determined

## FAR

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK00

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/23/04	69 FR 51936
NPRM Comment Period End	10/22/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK01**CFR Citation:** 48 CFR 22; 48 CFR 52**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order 13201, Notification of Employee Rights Concerning Payment of Union Dues or Fees. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

The Paperwork Reduction Act of 1995 (Pub. L. 104-13) is deemed to apply because the rule contains information collection requirements already covered by DOL rulemaking at 69 FR 16376.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK04**3784. • FAR CASE 2003-029, POWERS OF ATTORNEY FOR BID BONDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473**CFR Citation:** 48 CFR 28**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to establish that a copy of an original power of attorney, including a photocopy or facsimile copy, when submitted in support of a bid bond, is sufficient evidence of the authority to bind the surety. The authenticity and enforceability of the power of attorney at the time of the bid opening will be

**3785. • FAR CASE 2004-010, NOTIFICATION OF EMPLOYEE RIGHTS—UNION DUES AND FEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)
**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

## Completed Actions

**3786. FAR CASE 2000-608, NEW CONSOLIDATED FORM FOR SELECTION OF ARCHITECT-ENGINEER CONTRACTORS (SF-330)**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1; 48 CFR 36; 48 CFR 53**Completed:**

Reason	Date	FR Cite
Final Action	06/08/04	69 FR 1051

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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**RIN:** 9000-AJ15
**3787. FAR CASE 2002-011, PROCUREMENT OF PRINTING AND DUPLICATING THROUGH THE GOVERNMENT PRINTING OFFICE**
**Priority:** Other Significant**CFR Citation:** 48 CFR 6; 48 CFR 8; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Withdrawn	10/13/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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**RIN:** 9000-AJ51
**3788. FAR CASE 1999-603, FEDERAL SUPPLY SCHEDULE SERVICES AND BLANKET PURCHASE AGREEMENTS**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 8; 48 CFR 38**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34231
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No

## FAR

## Completed Actions

**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ63

**3789. FAR CASE 2002-006, APPLICATION OF THE COST PRINCIPLES AND PROCEDURES AND ACCOUNTING FOR UNALLOWABLE COSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34214
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ65

**3790. FAR CASE 2002-008, GAIN AND LOSSES, MAINTENANCE AND REPAIR COSTS AND MATERIAL COSTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 15; 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34242
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ69

**3791. FAR CASE 2003-007, BUY AMERICAN ACT—NONAVAILABLE ARTICLES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 25**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34241
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ72

**3792. FAR CASE 2002-017, ELIMINATION OF STANDARD FORM 1417, PRE-SOLICITATION NOTICE (CONSTRUCTION CONTRACT)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 1; 48 CFR 36; 48 CFR 53**Completed:**

Reason	Date	FR Cite
Final Action	10/05/04	69 FR 59699
Final Action Effective	11/04/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ73

**3793. FAR CASE 2003-013, PROCUREMENT LIST****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 8**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34229
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ82

**3794. FAR CASE 2002-013, DEFINITIONS CLAUSE****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 2; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34228
Final Action Effective	07/19/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ83

**3795. FAR CASE 2003-016, FREE TRADE AGREEMENTS—CHILE AND SINGAPORE AND TRADE AGREEMENTS THRESHOLDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 5; 48 CFR 12; 48 CFR 13; 48 CFR 14; 48 CFR 17; 48 CFR 19 ; 48 CFR 22; 48 CFR 25; 48 CFR 52; ...**Completed:**

Reason	Date	FR Cite
Final Action	10/05/04	69 FR 59700
Final Action Effective	10/05/04	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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RIN: 9000-AJ87

**3796. • FAR CASE 2004-008, DESIGNATED COUNTRIES — NEW EUROPEAN UNION MEMBERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 25; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation to implement a determination by the United States

## FAR

## Completed Actions

Trade Representative (USTR) under the Trade Agreements Act that suppliers from the 10 new member states of the European Communities are eligible to participate in U.S. Government procurement under the conditions of the World Trade Organization Government Procurement Agreement (WTO GPA).

**Timetable:**

Action	Date	FR Cite
Final Action	06/18/04	69 FR 34239
Final Action Effective	06/18/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ96

**3797. • FAR CASE 2004-009, DETERMINING OFFICIAL FOR EMPLOYMENT PROVISION COMPLIANCE—IMMIGRATION AND NATIONALITY ACT (INA)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 9

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) by revising the responsibility for determining when a contractor is not in compliance with the Immigration and Nationality Act (INA) to include both the Attorney General and the Secretary of Homeland Security, pursuant to Executive Order 13286 published March 5, 2003. This

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

**Timetable:**

Action	Date	FR Cite
Final Action	06/18/04	69 FR 34230
Final Action Effective	06/18/04	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ98

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