



Federal Register

**Monday,
November 24, 2008**

Part XVII

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

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

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

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

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

ACTION: Semiannual regulatory agenda.

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

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

The 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. 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. Laurieann Duarte, Acting Director, Regulatory Secretariat Division, Room 4041, GS Building, Washington, DC 20405, (202) 501-4225.

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.acquisition.gov/far>.

Dated: September 5, 2008.
David A. Drabkin,
*Senior Procurement Executive,
Office of the Chief Acquisition Officer.*

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
436	FAR Case 2001-004, Exemption of Certain Service Contracts From the Service Contract Act (SCA)	9000-AK82
437	FAR Case 2006-030, Electronic Products Environmental Assessment Tool	9000-AK85

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
438	FAR Case 2006-032, Small Business Size Rerepresentation	9000-AK78
439	FAR Case 2006-034, Socioeconomic Program Parity	9000-AK92

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
440	FAR Case 2007-006, Contractor Business Ethics Compliance Program and Disclosure Requirements	9000-AK80
441	FAR Case 2007-013, Employment Eligibility Verification	9000-AK91

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

Final Rule Stage

**436. FAR CASE 2001-004,
EXEMPTION OF CERTAIN SERVICE
CONTRACTS FROM THE SERVICE
CONTRACT ACT (SCA)**

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

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the current SCA exemption and to add a SCA exemption for contracts for certain additional services that meet specific criteria.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/07/07	72 FR 63076
Interim Final Rule Effective	11/07/07	
Interim Final Rule Comment Period End	01/07/08	
Final Action	12/00/08	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK82

**437. FAR CASE 2006-030,
ELECTRONIC PRODUCTS
ENVIRONMENTAL ASSESSMENT
TOOL**

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

Abstract: This rule amends the FAR to require the use of the EPEAT Product Registry and the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products in all solicitations and contracts for personal

computer desktops, notebooks, and monitors. A new clause is required to effectively implement the above-mentioned statute and Executive order.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/26/07	72 FR 73215
Interim Final Rule Effective	12/26/07	
Interim Final Rule Comment Period End	02/25/08	
Final Action	12/00/08	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK85

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

Long-Term Actions

**438. FAR CASE 2006-032, SMALL
BUSINESS SIZE REREPRESENTATION**

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

Abstract: This interim rule amends the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's (SBA) final rule published on November 15, 2006 (71 FR 66434), entitled "Small Business Size Regulations; Size for Purposes of Governmentwide Acquisition Contracts, Multiple Award Schedule Contracts and Other Long-Term Contracts; 8(a) Business Development/Small Disadvantaged Business; Business Status Determinations." The purpose of the SBA rule is to improve the accuracy of small business size status reporting over the life of certain contracts. This rule 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	07/05/07	72 FR 36852
Interim Final Rule Effective	06/30/07	
Interim Final Rule Comment Period End	09/04/07	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK78

**439. FAR CASE 2006-034,
SOCIOECONOMIC PROGRAM PARITY**

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

Abstract: This rule proposes to amend the Federal Acquisition Regulation to ensure that the FAR reflects the Small Business Administration's (SBA) interpretation of the Small Business Act and SBA regulations with regard to the relationship among various small business programs.

Timetable:

Action	Date	FR Cite
NPRM	03/10/08	73 FR 12699
NPRM Comment Period End	05/09/08	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK92

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

Completed Actions

**440. FAR CASE 2007-006,
CONTRACTOR BUSINESS ETHICS
COMPLIANCE PROGRAM AND
DISCLOSURE REQUIREMENTS**

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

Abstract: This rule proposes to amend the Federal Acquisition Regulation (FAR), at the request of the Department of Justice (DOJ), in order to require contractors to have a code of ethics and business conduct, establish and maintain specific internal controls to detect and prevent improper conduct in connection with the award or performance of Government contracts or subcontracts, and to notify contracting officers without delay whenever they become aware of violations of Federal criminal law with regard to such contracts or subcontracts. This regulatory action was subject to review under section 6(b) of Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Action	11/12/08	73 FR 67064

**Regulatory Flexibility Analysis
Required: Yes**

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RIN: 9000-AK80

**441. FAR CASE 2007-013,
EMPLOYMENT ELIGIBILITY
VERIFICATION**

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

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require certain contractors and subcontractors to use the United States Citizenship and Immigration Services' E-Verify system as the means of verifying that their employees are eligible to work in the United States. This is a significant regulatory action and, therefore, was subject to review under section 6(b) of

Executive Order 12866, "Regulatory Planning and Review," dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
NPRM	06/12/08	73 FR 33374
Final Action	11/14/08	73 FR 67651

**Regulatory Flexibility Analysis
Required: Yes**

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RIN: 9000-AK91

[FR Doc. E8-21239 Filed 11-21-08; 8:45 am]

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