

**DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

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

48 CFR Parts 3 and 52

[Federal Acquisition Circular 90-2]

Federal Acquisition Regulation (FAR); Procurement Integrity

RIN 9000-AD01

55 FR 49852

Friday, November 30, 1990

ACTION: Amendment to interim rule with request for comment.

SUMMARY: On November 5, 1990, section 27 of the OFPP Act was further amended by section 815 of the FY 1991 DoD Authorization Act, Pub. L. 101-510. The post-employment restrictions contained in subsection 27(f) of the Act are suspended during the period beginning December 1, 1990, and ending May 31, 1991. Section 815 also provides that contractors need only obtain one certification required by subsection 27(e)(1)(B) from individuals required to certify under the subsection and that this certification be obtained at the earliest possible date after the beginning of the individual's employment or association with that contractor. The Conference Report accompanying the amended Act states, ``If a company decides to rely on certification executed prior to the suspension of section 27, it should take appropriate action to ensure that its employees are advised that

section 27 has been reinstated." (See 136 CONG. REC. H 12199 (daily ed. October 23, 1990).) This amendment to the interim rule implements section 815.

DATES: Effective Date: December 30, 1990.

COMMENT DATE: Comments on this amendment to the interim rule, published in FAC 84-60 (55 FR 36782) September 6, 1990, should be submitted to the FAR Secretariat at the address shown below on or before December 31, 1990, to be considered in the formulation of a final rule. The comment period for the interim rule published in 55 both FAC 84-60 and FAC 90-2 in the same submission.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405 Please cite FAC 90-2 and FAC 84-60 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson, Office of Federal Acquisition Policy, Room 4041, GS Building, Washington, DC 20405, (202) 501-3221. Please cite FAC 90-2.

SUPPLEMENTARY INFORMATION:

Determination to Amend an Interim Rule determination has been made under authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) to issue the regulations in FAC 90-2 as an amendment to the interim rule in FAC 84-60 (55 FR 36782). This action is necessary to implement revisions to section 27 of the OFPP Act. Pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this amendment and the interim rule will be considered in formulating a final rule.

Regulatory Flexibility Act

This amendment to the interim rule in FAC 84-60 is not expected to have a significant economic impact on a substantial number of small entities because only minor revisions to contractor responsibilities have been made. However, because the interim rule (FAC 84-60, 55 FR 36782) may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., an Initial Regulatory Flexibility Analysis (IRFA) was prepared and was sent to the Chief Counsel for Advocacy of the Small Business Administration upon issuance of that

rule. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited on both the interim rule and this amendment. Comments from small entities concerning the affected FAR subparts will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 90-610 (FAC 90-2) in correspondence.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this amendment to the interim rule does not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 3 and 52 Government procurement.

Dated: November 26, 1990.

Harry S. Rosinski, Acting Director, Office of Federal Acquisition Policy.

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Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90-2 is effective November 30, 1990.

Eleanor Spector, Deputy Assistant Secretary of Defense for Procurement, DoD.

Richard H. Hopf, III, Associate Administrator for Acquisition Policy, GSA.

S.J. Evans, Assistant Administrator for Procurement, NASA.

The Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, and the Director, Office of Government Ethics concur.

Allan V. Burman, Administrator, Office of Federal Procurement Policy.

Stephen D. Potts,

Director, Office of Government Ethics.