

June 28, 2006, is adopted as a final rule without change.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 25 and 52

[FAC 2005-19; FAR Case 2006-017; Item XI; Docket 2006-0020; Sequence 11]

RIN 9000-AK61

#### Federal Acquisition Regulation; FAR Case 2006-017, Free Trade Agreements-Bahrain and Guatemala

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt the interim rule published in the **Federal Register** at 71 FR 67776, November 22, 2006, as a final rule without change. This final rule amends the Federal Acquisition Regulation (FAR) to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to Guatemala and the United States-Bahrain Free Trade Agreement.

**DATES:** Effective Date: August 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Meredith Murphy, Procurement Analyst, at (202) 208-6925 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAC 2005-19, FAR case 2006-017.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DoD, GSA, and NASA published an interim rule in the **Federal Register** at 71 FR 67776, November 22, 2006. The interim rule amended FAR Part 25 and the corresponding clauses in FAR Part 52 to implement the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) with respect to Guatemala and the United States-Bahrain Free Trade Agreement (FTA). Congress approved these trade agreements in the Dominican Republic-Central America-

United States Free Trade Agreement Implementation Act (Pub. L. 109-53) and the United States-Bahrain Free Trade Agreement Implementation Act (Pub. L. 109-169), respectively. These trade agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Guatemala and Bahrain and specify procurement procedures designed to ensure fairness in the acquisition of supplies and services.

The interim rule added Bahrain and Guatemala to the definition of "Free Trade Agreement country." The rule also deleted Guatemala from the definition of "Caribbean Basin country" because, in accordance with Section 201(a)(3) of Pub. L. 109-53, when the CAFTA-DR agreement enters into force with respect to a country, that country is no longer designated as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act. The Councils received no comments on the interim rule; therefore, the Councils have agreed to implement the interim rule as a final rule without change.

This is not a significant regulatory action and, therefore, was not 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.

##### B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not 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.* Although the rule opens up Government procurement to the goods and services of Guatemala and Bahrain, the Councils do not anticipate any significant economic impact on U.S. small businesses. The Department of Defense only applies the trade agreements to the non-defense items listed at DFARS 225.401-70, and acquisitions that are set aside for small businesses are exempt. No comments were received with regard to impact on small entities.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the FAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Numbers 9000-0025, 9000-0130, 9000-0136, and 9000-0141.

#### List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: July 30, 2007.

Al Matera,

Acting Director, Contract Policy Division.

#### Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR parts 25 and 52, which was published in the **Federal Register** at 71 FR 67776, November 22, 2006, is adopted as a final rule without change.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 37 and 52

[FAC 2005-19; FAR Case 2006-027; Item XII; Docket 2007-0001, Sequence 5]

RIN 9000-AK54

#### Federal Acquisition Regulation; FAR Case 2006-027, Accepting and Dispensing of \$1 Coin

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

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 104 of the Presidential \$1 Coin Act of 2005. Section 104 requires that entities that operate any business on any premises owned or controlled by the United States be capable of accepting and dispensing \$1 coins on and after January 1, 2008.

**DATES:** Effective Date: August 17, 2007.

*Applicability Date:* This rule applies to all service contracts that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the U.S. or under the control of any agency or instrumentality of the U.S. The clause shall be placed in all such solicitations and contracts on and after the effective date of this rule.

Applicable existing contracts whose period of performance extends beyond January 1, 2008 shall be modified to include the clause.

**Comment Date:** Interested parties should submit written comments to the FAR Secretariat on or before October 16, 2007 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAC 2005–19, FAR case 2006–027, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Search for any document by first selecting the proper document types and selecting “Federal Acquisition Regulation” as the agency of choice. At the “Keyword” prompt, type in the FAR case number (for example, FAR Case 2006–001) and click on the “Submit” button. Please include your name and company name (if any) inside the document.

You may also search for any document by clicking on the “Advanced search/document search” tab at the top of the screen, selecting from the agency field “Federal Acquisition Regulation”, and typing the FAR case number in the keyword field. Select the “Submit” button.

- Fax: 202–501–4067.
- Mail: General Services

Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAC 2005–19, FAR case 2006–027, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–19, FAR case 2006–027.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This interim rule implements the Presidential \$1 Coin Act of 2005 (Pub. L. 109–145). The Presidential \$1 Coin Act of 2005 requires the Secretary of the Treasury to mint and issue annually four new \$1 coins bearing the likenesses of the Presidents of the United States in the order of their service and to continue to mint and issue “Sacagawea-design” coins for circulation. In order to promote circulation of the coins,

Section 104 of the Public Law also requires that Federal agencies take action so that, by January 1, 2008, entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, are capable of accepting and dispensing \$1 coins and that the entities display notices of this capability on the business premises. This will require modification of existing covered contracts whose period of performance extends beyond the January 1, 2008 date in order to assure compliance with Section 104 of the Act.

This is not a significant regulatory action and, therefore, was not 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.

##### B. Regulatory Flexibility Act

The interim rule is not expected to 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.*, because receiving and dispensing the new coins as part of business operations should not add to workload or expense. For vending machines already configured to accept and dispense the Sacagawea \$1 coin, which has been in circulation since January, 2000, there will be no need to change or modify equipment.

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 37 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C 601, *et seq.* (FAC 2005–19, FAR case 2006–027), in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

##### D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate

this interim rule without prior opportunity for public comment. This action is necessary to implement the Presidential \$1 Coin Act of 2005 which requires that entities that operate any business on any premises owned or controlled by the United States be capable of accepting and dispensing \$1 coins. Issuance of an interim rule is necessary to ensure that the appropriate clause is included in solicitations and contracts to permit compliance with this requirement by January 1, 2008, in accordance with the Act. In addition, modifications to existing covered contracts will be needed in order to comply with the mandated date. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

##### List of Subjects in 48 CFR Parts 37 and 52

Government procurement.

Dated: July 30, 2007.

**Al Matera,**

*Acting Director, Contract Policy Division.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 37 and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 37 and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

##### PART 37—SERVICE CONTRACTING

■ 2. Add sections 37.116, 37.116-1, and 37.116-2 to read as follows:

##### 37.116 Accepting and Dispensing of \$1 Coin.

##### 37.116–1 Presidential \$1 Coin Act of 2005.

This section implements Section 104 of the Presidential \$1 Coin Act of 2005 (31 U.S.C. 5112(p)(1)), which seeks to remove barriers to the circulation of \$1 coins. Section 104 requires that business operations performed on United States Government premises provide for accepting and dispensing of existing and proposed \$1 coins as part of operations on and after January 1, 2008.

##### 37.116–2 Contract clause.

Insert the clause at 52.237–11, Accepting and Dispensing of \$1 Coin, in solicitations and contracts for the provision of services that involve business operations conducted in U.S. coins and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 3. Amend section 52.212–5 by revising the date of the clause and adding paragraph (c)(5) to read as follows:

**52.212–5 Contract Terms and Conditions Required to Implement Statutes or Executive**

\* \* \* \* \*

**CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (AUG 2007)**

\* \* \* \* \*

(c) \* \* \*

(5) 52.237–11, Accepting and Dispensing of \$1 Coin (AUG 2007)(31 U.S.C. 5112(p)(1)).

\* \* \* \* \*

■ 4. Add section 52.237–11 to read as follows:

**52.237–11 Accepting and Dispensing of \$1 Coin.**

As prescribed in 37.116–2, insert the following clause:

**ACCEPTING AND DISPENSING OF \$1 COIN (AUG 2007)**

(a) This clause applies to service contracts that involve business operations conducted in U.S. coin and currency, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States. All such business operations must be compliant with the requirements in paragraphs (b) and (c) of this clause on and after January 1, 2008.

(b) All business operations conducted under this contract that involve coins or currency, including vending machines, shall be fully capable of accepting and dispensing \$1 coins in connection with such operations.

(c) The Contractor shall ensure that signs and notices are displayed denoting the capability of accepting and dispensing \$1 coins with business operations on all premises where coins or currency are accepted or dispensed, including on each vending machine.

(End of clause)

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**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Parts 31, 32, and 52**

[FAC 2005–19; Item XIII; Docket FAR–2007–0003; Sequence 2]

**Federal Acquisition Regulation; Technical Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** Effective Date: August 17, 2007.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, (202) 501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–19, Technical Amendments.

**List of Subjects in 48 CFR Parts 31, 32, and 52**

Government procurement.

Dated: July 30, 2007.

**Al Matera,**

*Acting Director, Contract Policy Division.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 31, 32, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 31, 32, and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES****31.201–5 [Amended]**

■ 2. Amend section 31.201–5 by removing “31.205–6(j)(4)” and adding “31.205–6(j)(3)” in its place.

**PART 32—CONTRACT FINANCING**

■ 3. Amend section 32.006–1 by revising the first sentence of paragraph (a); and by removing from paragraph (b) “10 U.S.C. 2307(h)(2)” and adding “10 U.S.C. 2307(i)(2)” in its place. The revised text reads as follows:

**32.006–1 General.**

(a) Under Title 10 of the United States Code, the statutory authority

implemented by this section is available to the Department of Defense and the National Aeronautics and Space Administration; this statutory authority is not available to the United States Coast Guard. \* \* \*

\* \* \* \* \*

**32.006–2 [Amended]**

■ 4. Amend section 32.006–2 by removing “10 U.S.C. 2307(h)(10)” and adding “10 U.S.C. 2307(i)(10)” in its place.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****52.212–5 [Amended]**

■ 5. Amend section 52.212–5 by—

■ a. Revising the date of clause to read “(AUG 2007)”;

■ b. Adding “(AUG 2006)” after the word “Set-Aside” in newly designated paragraph (b)(30); and

■ c. Adding “(AUG 2006)” after the word “Area” in newly designated paragraph (b)(31).

**52.232–16 [Amended]**

■ 6. Amend section 52.232–16 by removing from the introductory text of paragraph (c) “acquisitions” and adding “actions” in its place.

**52.245–1 [Amended]**

■ 7. Amend section 52.245–1 by removing from paragraph (e)(3)(iii) “(e)(3)(i)” and adding “(e)(3)(iii)” in its place.

[FR Doc. 07–3804 Filed 8–16–07; 8:45 am]

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**DEPARTMENT OF DEFENSE****GENERAL SERVICES ADMINISTRATION****NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket FAR–2007–0002, Sequence 4]

**Federal Acquisition Regulation; Federal Acquisition Circular 2005–19; Small Entity Compliance Guide**

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

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator of the National