

(b) \* \* \*

(31) 52.225-13, Restrictions on Certain Foreign Purchases (JUN 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

\* \* \* \* \*

- 11. Amend section 52.225-13 by—
- a. Revising the date of the clause; and
- b. Removing from paragraph (b) “from North Korea” and adding “from Burma or North Korea” in its place;

**52.225-13 Restrictions on Certain Foreign Purchases.**

\* \* \* \* \*

**RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)**

\* \* \* \* \*

- 12. Add section 52.225-20 to read as follows:

**52.225-20 Prohibition on Conducting Restricted Business Operations in Sudan—Certification.**

As prescribed at 25.1103(d), insert the following provision:

**PROHIBITION ON CONDUCTING RESTRICTED BUSINESS OPERATIONS IN SUDAN—CERTIFICATION (JUN 2008)**

(a) *Definitions.* As used in this provision—

*Business operations* means engaging in commerce in any form, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

*Marginalized populations of Sudan* means—

(1) Adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Pub. L. 109-344) (50 U.S.C. 1701 note); and

(2) Marginalized areas in Northern Sudan described in section 4(9) of such Act.

*Person* means—

(1) A Natural person, corporation, company, business association, partnership,

society, trust, any other nongovernmental entity, organization, or group;

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)); and

(3) Any successor, subunit, parent company or subsidiary of any entity described in paragraphs (1) or (2) of this definition.

*Restricted business operations* means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person conducting the business can demonstrate—

(1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;

(2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;

(3) Consist of providing goods or services to marginalized populations of Sudan;

(4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(5) Consist of providing goods or services that are used only to promote health or education; or

(6) Have been voluntarily suspended.

(b) *Certification.* By submission of its offer, the offeror certifies that it does not conduct any restricted business operations in Sudan.

(End of provision)

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

[Docket FAR-2008-0003, Sequence 1]

**Federal Acquisition Regulation; Federal Acquisition Circular 2005-26; 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 Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005-26 which amends the FAR. Interested parties may obtain further information regarding this rule by referring to FAC 2005-26 which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT** Laurieann Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

**RULE LISTED IN FAC 2005-26**

Subject	FAR case	Analyst
Prohibition on Restricted Business Operations in Sudan and Imports from Burma (Interim) .....	2008-004	Murphy.

**SUPPLEMENTARY INFORMATION:** A summary of the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to FAR Case 2008-004. FAC 2005-26 amends the FAR as specified below:

**Prohibition on Restricted Business Operations in Sudan and Imports from Burma (FAR Case 2008-004) (Interim)**

This interim rule amends FAR Subparts 4.12, 15.1, 25.7, 25.11, and Part 52 to implement Section 6 of the Sudan Accountability and Divestment Act of 2007, and Executive Orders 13310 and 13448. Section 6 requires certification that the contractor does not conduct certain business operations in

Sudan. This case also updates the list of countries from which most imports are prohibited, to reflect Burma as well as Sudan.

Dated: June 6, 2008.

**Al Matera,**

*Director, Office of Acquisition Policy.*

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