

WOSB Program, as envisioned by section 1697.

However, pursuant to 41 U.S.C. 1707 and FAR 1.501–3(b), DoD, GSA, and NASA will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subject in 48 CFR Part 19

Government procurement.

Dated: June 13, 2013.

William Clark,

Acting Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 19 as set forth below:

PART 19—SMALL BUSINESS PROGRAMS

■ 1. The authority citation for 48 CFR part 19 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

19.1505 [Amended]

- 2. Amend section 19.1505 by—
- a. Adding to the end of paragraph (b)(1) “and”;
- b. Removing paragraph (b)(2);
- c. Redesignating paragraph (b)(3) as (b)(2);
- d. Adding to the end of paragraph (c)(1) “and”;
- e. Removing paragraph (c)(2);
- f. Redesignating paragraph (c)(3) as (c)(2); and
- g. Removing from paragraph (g)(3) “appeal, that there are urgent” and adding “appeal, unless the head of the agency makes a written determination that urgent” in its place.

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 25

[FAC 2005–67; FAR Case 2013–008; Item VIII; Docket 2013–0008, Sequence 1]

RIN 9000–AM54

Federal Acquisition Regulation; Deletion of Report to Congress on Foreign-Manufactured Products

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

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to eliminate an obsolete Congressional reporting requirement on acquisitions of end products manufactured outside the United States.

DATES: *Effective Date:* July 22, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, at 202–219–0202, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–67, FAR Case 2013–008.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule amends FAR 25.001 and 25.004 to eliminate an obsolete Congressional reporting requirement imposed by the United States Troops Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (41 U.S.C. 8302(b)(1)).

This Act required the heads of each Federal agency to submit a report to Congress on acquisitions of articles, materials, or supplies that are manufactured outside the United States for Fiscal Year 2007 through Fiscal Year 2011. The report to Congress is no longer required but the collection of the data in the Federal Procurement Data System is still required (see FAR 52.225–18, Place of Manufacture).

II. Discussion and Analysis

“Publication of proposed regulations”, 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because this rule serves to eliminate a reporting requirement that only affected the internal operating procedures of the Government.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is

necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. 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.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501–1 and 41 U.S.C. 1707 and does not require publication for public comment.

V. Paperwork Reduction Act

The final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subject in 48 CFR Part 25

Government procurement.

Dated: June 13, 2013.

William Clark,

Acting Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR part 25 as set forth below:

PART 25—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 25 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

25.001 [Amended]

- 2. Amend section 25.001 by—
- a. Removing from the introductory text of paragraph (c) “report on end products manufactured outside the United States (see 25.004)” and adding “representation on end products manufactured outside the United States (see 52.225–18)” in its place; and
- b. Removing from paragraph (c)(3) “For the reporting requirement at 25.004” and adding “For the representation at 52.225–18” in its place.

25.004 [Removed]

■ 3. Remove section 25.004.

[FR Doc. 2013–14617 Filed 6–20–13; 8:45 am]

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DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 25 and 52****[FAC 2005–67; FAR Case 2012–027; Item
IX; Docket 2012–0027, Sequence 1]****RIN 9000–AM43****Federal Acquisition Regulation; Free
Trade Agreement (FTA)-Panama****AGENCY:** Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).**ACTION:** Final rule.**SUMMARY:** DoD, GSA, and NASA have
adopted as final, without change, an
interim rule amending the Federal
Acquisition Regulation (FAR) to
implement the United States-Panama
Trade Promotion Agreement. This Trade
Promotion Agreement is a free trade
agreement that provides for mutually
non-discriminatory treatment of eligible
products and services from Panama.**DATES:** *Effective Date:* June 21, 2013.**FOR FURTHER INFORMATION CONTACT:** Ms.
Cecelia L. Davis, Procurement Analyst,
at 202–219–0202, for clarification of
content. For information pertaining to
status or publication schedules, contact
the Regulatory Secretariat at 202–501–
4755. Please cite FAC 2005–67, FAR
Case 2012–027.**SUPPLEMENTARY INFORMATION:****I. Background**DoD, GSA, and NASA published an
interim rule in the **Federal Register** at
77 FR 69723, on November 20, 2012, to
implement the United States-Panama
Trade Promotion Agreement. The
comment period closed on January 22,
2013. Two respondents submitted
comments on the interim rule.The interim rule added Panama to the
definition of “Free Trade Agreement
country” in multiple locations in the
FAR. The Panama FTA covers
acquisitions of supplies and services
equal to or exceeding \$202,000. The
threshold for the Panama FTA is
\$7,777,000 for construction contracts.
The Panama FTA threshold for supplies
and services is higher than the thresholdfor supplies and services for most of the
FTAs (\$77,494), and equals the Bahrain,
Morocco, Oman, and Peru FTA
thresholds for supplies and services
(\$202,000). The excluded services for
the Panama FTA are the same as for the
Bahrain FTA, Dominican Republic—
Central American FTA, Chile FTA,
Colombia FTA, NAFTA, Oman FTA,
and Peru FTA.**II. Discussion and Analysis**The Civilian Agency Acquisition
Council and the Defense Acquisition
Regulations Council (the Councils)
reviewed the comments in the
development of the final rule. A
discussion of the comments is provided
as follows:*A. Summary of Significant Changes*The Councils have adopted the
interim rule as final without change.*B. Analysis of Public Comments***1. Need for Separate Defense Federal
Acquisition Regulation Supplement
(DFARS) Rule***Comment:* One respondent
commented that they were concerned
about the necessity of the interim rule,
under Executive Orders 12866 and
13563, for a separate, redundant DFARS
rule for the Free Trade Agreement.*Response:* Implementation of trade
agreements in the FAR is necessary for
broad government-wide application of
the trade agreements. DoD needs its
unique provisions and clauses to cover
Buy American and trade agreements
because of unique requirements. One of
the most significant reasons is the need
to address the products of qualifying
countries (those countries with which
DoD has a Reciprocal Defense
Procurement Memorandum of
Understanding or other International
Agreement). In addition, the Oman FTA
and the Israeli Trade Agreement do not
apply to DoD acquisitions. There are
also statutory and policy determinations
that impact DoD acquisitions of the
products of Iraq and Afghanistan and
other countries in the region (South
Caucasus and Central and South Asia).
DoD also continues to implement the
Balance of Payments Program, applying
the principles of the Buy American
statute to acquisitions of goods for use
outside the United States. Therefore,
DoD has never been able to rely on
promulgation of Free Trade Agreements
solely within the FAR.**2. Information Collection Requirement***Comment:* One respondent was
further concerned that the information
collection requirement is not negligible
as characterized by the DFARS interimrule. According to the respondent, the
DFARS requirement will require costly
duplicate reporting in order to maintain
compliance and is therefore not
negligible.*Response:* The **Federal Register**
preamble for the FAR and DFARS rules
did not state that the information
collection requirement relating to Free
Trade Agreements was negligible. The
statement was that the change caused by
adding Panama as a Free Trade
Agreement country is negligible. There
are approved burdens for the FAR Buy
American and trade provisions under
OMB clearance numbers 9000–0025,
9000–0130, 9000–0136, and 9000–0141.
There are also burden hours approved
for DoD acquisitions subject to Buy
American or trade agreements under
OMB clearance number 0704–0229. The
DFARS requirement does not cause
duplicate reporting, because no
solicitation should include both the
FAR and the DFARS Buy American
and/or trade agreements provision. The
DFARS provisions are used in lieu of
the FAR provisions.**3. Access Through Canal and Security
for Cargo***Comment:* One respondent
commented that we should work with
other companies for joint economic
development projects and, as to
Panama, make certain that the
agreements provide that we will have
continued access through the canal and
the necessary security for our cargo.*Response:* The Council takes no
position on this comment because it is
outside the scope of this case, which
was limited to implementing the United
States-Panama Trade Promotion
Agreement. The Office of the United
States Trade Representative negotiates
the treaties, which are then
implemented in law by Congress.**III. Executive Orders 12866 and 13563**Executive Orders (E.O.s) 12866 and
13563 direct agencies to assess all costs
and benefits of available regulatory
alternatives and, if regulation is
necessary, to select regulatory
approaches that maximize net benefits
(including potential economic,
environmental, public health and safety
effects, distributive impacts, and
equity). E.O. 13563 emphasizes the
importance of quantifying both costs
and benefits, of reducing costs, of
harmonizing rules, and of promoting
flexibility. This is a significant
regulatory action and, therefore, was
subject to review under section 6(b) of
E.O. 12866, Regulatory Planning and
Review, dated September 30, 1993. This