

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****National Aeronautics and Space
Administration****48 CFR Part 52**

[FAR Case 99-600]

RIN 9000-AI38

**Federal Acquisition Regulation;
Nondisplacement of Qualified
Workers—Commercial Items**

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

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to add the clause title, Nondisplacement of Qualified Workers, to the clause concerning Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. This addition would permit inclusion of the clause, by reference, in solicitations and contracts for commercial services, when determined appropriate by the contracting officer.

DATES: Comments should be submitted on or before August 16, 1999 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (MVR), Attn: Laurie Duarte, 1800 F Street, NW, Room 4035, Washington, DC 20405.

E-mail comments submitted over Internet should be addressed to: farcase.99-600@gsa.gov.

Please cite FAR case 99-600 in all correspondence related to this case.

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. For clarification of content, contact Mr. Jack O'Neill, Procurement Analyst, at (202) 501-3856. Please cite FAR case 99-600.

SUPPLEMENTARY INFORMATION:**A. Background**

Executive Order 12933 was signed October 20, 1994, by President Clinton and published in the **Federal Register** on October 24, 1994. To obtain public comment and assist in development of implementing regulations, the Department of Labor (DOL) invited comment through a notice of proposed rulemaking in the **Federal Register** on July 18, 1995 (60 FR 36756). The final DOL rule was published in the **Federal Register** on May 22, 1997 (62 FR 28175). An interim FAR rule implementing DOL's rule was published under FAR case 94-610 (FAC 97-01, 62 FR 44802, August 22, 1997). During consideration of the public comments submitted in response to the interim rule, the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council identified this additional issue and proposed change. The councils consider this additional change significant enough to warrant additional public comments.

This rule proposes to add the clause title, 52.222-50, Nondisplacement of Qualified Workers, at 52.212-5(c).

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This proposed 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 the rule only identifies the FAR clause at 52.222-50, Nondisplacement of Qualified Workers as appropriate for incorporation by reference in certain service contracts when determined so by the contracting officer. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. Comments from small entities concerning the

affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 99-600), in correspondence.

C. Paperwork Reduction Act

This proposed rule will not impose any additional paperwork burdens beyond the information collection and recordkeeping requirements under sections 9.6(c), 9.9(b), and 9.11 of the Department of Labor regulations, 29 CFR part 9, and approved under Office of Management and Budget Control No. 1215-0190.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: June 9, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR part 52 be amended as set forth below:

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

1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 52.212-5 is amended by revising the date of the clause to read "(DATE)"; at the parenthetical following the introductory text of paragraphs (b) and (c) of the clause by removing the parentheses and adding brackets in their place; and by adding paragraph (c)(6) to read as follows:

**52.212-5 Contract Terms and Conditions
Required to Implement Statutes or
Executive Orders—Commercial Items.**

* * * * *

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (Date)

* * * * *

(c) * * *

(6) 52.222-50, Nondisplacement of Qualified Workers (Executive Order 12933).

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[FR Doc. 99-15144 Filed 6-16-99; 8:45 am]

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