

PSC PROFESSIONAL SERVICES COUNCIL

2015 YEAR IN REVIEW

A SUMMARY OF ACQUISITION LAWS & REGULATIONS

ALAN CHVOTKIN, ESQ.
EXECUTIVE VICE PRESIDENT & COUNSEL

FEBRUARY
2016



Contents

Legislation	8
Appropriations Acts.....	8
Fiscal Year 2015 Appropriations	8
Further Continuing Appropriations (P.L. 114-3; 2/27/15)	8
Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4; 3/4/15)	8
Fiscal Year 2016 Appropriations	8
TSA Office of Inspection Accountability Act; Continuing Appropriations Act, 2016 (P.L. 114-53; 9/30/15)	8
Further Continuing Appropriations (P.L. 114-96; 12/11/15)	8
Further Continuing Appropriations (P.L. 114-100; 12/16/15)	8
Consolidated Appropriations Act, 2016 (P.L. 114-113; 12/18/15)	8
Authorization Acts.....	9
National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92; 11/25/15)	9
Services and Information Technology Acquisition and Cyber	9
Access to Innovation, Commercial Items Acquisition and Access to New Sources of Supply	11
Improving Collaboration and Reducing Compliance Burdens	13
Industrial Base and Small Business Provisions.....	14
Acquisition Workforce	15
Oversight.....	16
Other Provisions of Interest.....	18
Other Laws	19
Terrorism Risk Insurance Program Reauthorization Act of 2015 (P.L. 114-1; 1/12/15)	19
Protecting Affordable Coverage for Employees Act (P.L. 114-60; 10/7/15).....	19
Bipartisan Budget Act of 2015 (P.L. 114-74; 11/2/15).....	19
Fixing America’s Surface Transportation (“FAST”) Act (P.L. 114-94; 12/4/15)	20
Federal Improper Payments Coordination Act of 2015 (P.L. 114-109; 12/18/15)	20

Regulations	21
The President	21
Memorandum: Use of Unmanned Aircraft Systems (2/15/15)	21
Executive Order 13691: Promoting Private Sector Cybersecurity Information Sharing (2/13/15)	21
Executive Order 13693: Planning for Federal Sustainability in the Next Decade (3/19/15)	21
Executive Order 13694: Cyber-Related Sanctions Regulations (4/1/15).....	21
Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/15)	21
Federal Acquisition Regulation (FAR).....	21
FAC 2005-80 (1/29/15)	21
List of Domestically Non-available Articles (3/24/15)	22
FAC 2005-81 (4/10/15)	22
FAC 2005-82 (5/7/15)	22
High Global Warming Potential (GWP) Hydrofluorocarbons (HFCs) (5/11/15).....	22
Contractors Performing Private Security Functions (5/27/15)	23
Fair Pay and Safe Workplaces (5/28/15).....	23
Definition of Multiple-Award Contract	23
Consolidation and Bundling of Contract Requirements (6/3/15).....	23
Small Business Subcontracting Improvements (6/10/15)	23
FAC 2005-83 (7/2/15)	23
FAC 2005-84 (9/3/15)	24
Simplified Acquisition Threshold for Overseas Acquisition in Support of Certain Operations (10/8/15).....	24
Improvement in Design-Build Construction Process (10/8/15).....	24
Revision to Standard Forms for Bonds (10/20/15)	25
Unique Identification of Entities Receiving Federal Awards (11/18/15)	25
FAC 2005-85 (12/4/15)	25
FAC 2005-86 (12/31/15)	26
Defense Federal Acquisition Regulation Supplement (DFARS).....	26
Further Implementation of Trafficking In Persons Policy (1/29/15).....	26
Contractors Performing Private Security Functions (1/29/15)	26
Updated Description of Product Service Groups Subject to Trade Agreements (1/29/15)	26
Electronic Submission of Technical Reports (1/29/15).....	26

Electronic Copies of Contractual Documents	27
Past Performance Information Retrieval System (PPIRS) – Statistical Reporting.....	27
Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the U. S.	27
Deletion of Obsolete Text Relating to Commercial Items (2/26/15).....	28
Domestic Source Restrictions on Certain Naval Vessel Components (2/26/15)	28
Acquisition of the American Flag	28
Use of Military Construction Funds	28
Deletion of Text Implementing 10 U.S.C. 2323 (3/26/15)	28
Eliminate Data Collection Requirement.....	28
Uniform Procurement Identification (5/26/15).....	29
Advancing Small Business Growth (5/26/15).....	29
Approval Threshold for Time-and-Materials and Labor-Hour Contracts (5/26/15)	29
Multiyear Contracts – Statutory References and Cancellation Ceiling Threshold (5/26/15)	29
Appendix F—Energy Receiving Reports (5/26/15)	29
Photovoltaic Devices from the U.S. (5/26/15).....	29
Transporter Proof of Delivery (5/29/15).....	29
Offset Costs (6/2/15)	29
Contract Cost Principles and Procedures – IR&D (6/16/15)	30
Service Contracting (6/16/15).....	30
Allowability of Legal Costs for Whistleblower Proceedings (6/26/15)	30
Clauses with Alternates – Prescriptions and Clause Prefaces (6/26/15)	30
Defense Contractors Outside the United States – Subpart Relocation (6/26/15).....	30
Inflation Adjustment of Acquisition-Related Thresholds (6/26/15)	30
Evaluating Price Reasonableness for Commercial Items (8/3/15).....	30
Network Penetration Reporting and Contracting for Cloud Services.....	30
Item Unique Identification Prescription Correction (8/26/15).....	31
Contracts or Delivery Orders Issued by Non-DoD Agency (8/26/15)	31
Describing Agency Needs (9/18/15)	31
Contracting by Negotiation (9/18/15)	31
Service Contracting (9/18/15).....	31
Detection and Avoidance of Counterfeit Electronic Parts – Further Implementation (9/21/15).....	31
Clauses with Alternatives – Small Business Programs (9/30/15).....	31

Warranty Tracking of Serialized Items (9/30/15)	31
Contract Debts (9/30/15).....	32
Defense Industrial Base Cybersecurity Activities (10/2/15)	32
Requirements Relating to Supply Chain Risk (10/30/15).....	32
Removal of Cuba from List of State Sponsors of Terrorism (10/30/15)	32
New Designated Countries – Montenegro and New Zealand (10/30/15).....	32
Promoting Voluntary Post-Award Disclosure of Defective Pricing (11/20/15).....	32
Extension and Modification of Contract Authority for Advanced Component Development (11/20/15).....	32
Buy American and Balance of Payments Program – Clause Prescription (11/20/15)	32
Duty-Free Entry Threshold (11/20/15)	33
Long-Haul Telecommunications (11/20/15)	33
Contract Term Limit for Shared Energy Savings Contract Services (11/20/15)	33
Taxes – Foreign Contracts in Afghanistan (12/30/15)	33
Multiyear Contract Requirements (12/30/15).....	33
Trade Agreements Thresholds (12/30/15)	33
Defense Contractors Performing Private Security Functions (12/30/15).....	33
Department of the Army	33
Carrying Firearms and Use of Force for Law Enforcement, Security, Counterintelligence and Protective Services (12/11/15)	33
Department of Agriculture	34
Guidelines for Designating Biobased Products for Federal Procurement (6/15/15).....	34
Voluntary Labeling Program for Biobased Products (6/15/15)	34
Department of Commerce	34
Commerce Acquisition Regulation: Waiver of Bond Requirement for Certain NOAA Contracts (5/13/15).....	34
Revision to Export Administration Regulations: Intrusion and Surveillance Items (5/20/15).....	34
Revision to Definitions in the Export Administration Regulations (6/3/15)	34
U.S. Industrial Base Surveys Pursuant to Defense Production Act	34
Export Administration Regulations: Removal of Special Comprehensive License Provisions (8/26/15)	35
Updated Legal Authority for the EAR (9/2/15)	35
NOAA: Establish Single Size Standard for Commercial Fishing Businesses (9/18/15)	35

Export Control Reform: Change to Defense Sales Offset Reporting Requirements (12/2/15)	35
Department of Energy	35
Assistance to Foreign Atomic Energy Activities (2/23/15).....	35
Acquisition Regulation: Technical and Administrative Changes (3/24/15)	35
Administrative Requirements for Grants and Cooperative Agreements (9/3/15)	35
Export Control (10/23/15)	35
Department of Health and Human Services	36
HHS Acquisition Regulation	36
Health Resources Priority and Allocations System (HRPAS) (7/17/15).....	36
Department of Housing and Urban Development	36
Amendments to HUDAR (5/28/15)	36
Department of Labor.....	36
Office of Federal Contracts Compliance Programs (OFCCP): Discrimination on the Basis of Sex (1/30/15).....	36
Guidance for Executive Order 13673, “Fair Pay and Safe Workplaces” (5/28/15).....	36
Defining and Delimiting the Exemptions for Executives, Professionals and Others (7/6/15)	36
Establishing Minimum Wage for Contractors – Rate Change for 2016 (9/16/15).....	37
Department of State.....	37
Acquisition Regulation (2/9/15).....	37
ITAR: Revisions to Destination Control Statement (5/22/15).....	37
ITAR: Registration and Licensing of U.S. Persons Employed by Foreign Persons (5/26/15).....	37
ITAR: Revisions to Definitions of Defense Services and Related Definitions (6/3/15)	37
Program Fraud Civil Remedies (8/17/15).....	37
Department of Treasury	37
Internal Revenue Service: Tax on Certain Foreign Procurements (4/22/15).....	37
Prompt Payment Interest Rate	37
Cyber-Related Sanctions Regulations (12/31/15).....	38
Department of Veterans Affairs	38
VA Acquisition Regulation: Service-Disabled Veteran-Owned and Veteran-Owned Status Protests (3/10/15).....	38
Veteran-Owned Small Business (VOSB) Verification Guidelines (11/6/15).....	38

Federal Deposit Insurance Corporation	38
Nondiscrimination of Disability Minority and Women Outreach Program Contracting (10/16/15) ..	38
Environmental Protection Agency	38
Environmental, Conservation, Occupational Safety, and Drug-Free Workplace (1/27/15)	38
EPA Acquisition Regulation: Clause for Level of Effort – Cost Reimbursement Contract (4/10/15) ..	38
EPA Acquisition Regulation: Source Selection and Payment (4/15/15)	38
Describing Agency Needs (5/26/15)	39
EPA Acquisition Regulation: Ratification of Unauthorized Commitments (12/7/15)	39
General Services Administration	39
Definitions in GSAR Part 502 (1/13/15)	39
Unique Item Identification (2/4/15)	39
Rewrite of GSAR Part 536, Construction and Architect-Engineering Contracts – Withdrawal (2/9/15)	
.....	39
Unique Item Identification	39
Environmental, Conservation, Occupational Safety and Drug-Free Workplace	39
Transactional Data Reporting (3/4/15)	40
Notice of Class Deviation Addressing Commercial Supplier Agreement Terms Inconsistent with	
Federal Law (3/20/15)	40
FPDS Product Service Code Manual Update (5/28/15)	40
Special Contracting Methods (6/15/15)	40
Removal of Unnecessary Construction Clauses and Editorial Changes (7/30/15)	40
NASA	40
Contractor Whistleblower Protection (3/2/15)	40
Streamlining (3/12/15)	41
Regulatory Review #3	41
Drug- and Alcohol-Free Workforce and Mission Critical Systems Personnel Reliability Program	41
Denied Access to NASA Facilities	41
Safety and Health Measures and Mishap Reporting	42
NASA Capitalization Threshold	42
Uniform Administrative Requirements for Grants – Cost Principles & Audit Requirements (9/11/15)	
.....	42

National Archives and Records Administration	42
Controlled Unclassified Information (5/8/15)	42
Nuclear Regulatory Commission	43
Cyber Security Event Notification (11/2/15).....	43
Office of Management and Budget.....	43
Guidance for Reporting and Use of Grant Recipient Integrity and Performance (7/22/15)	43
North American Industry Classification System (NAICS) 2017 Updates (8/4/15).....	43
Universal Identifier for Grants: Correction (9/10/15).....	43
Category Management: Improving the Acquisition and Management of Common Information Technology – Software Licensing (12/22/15)	43
Office of Special Counsel.....	43
Revision of Regulations to Allow Federal Contractors, Subcontractors, and Grantees to File Whistleblower Disclosures with the Office of Special Counsel.....	43
Small Business Administration	44
Small Business Programs (2/5/15)	44
Advisory Small Business Size Decisions (2/11/15)	44
Women-Owned Small Business Federal Contract Program.....	44
Affiliation for Business Loan Programs and Surety Bond Guarantee Program (10/2/15)	44
Credit for Lower Tier Small Business Subcontracting (10/6/15).....	45
Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business – Certification (12/18/15)	45
U.S. Access Board	45
Architectural and Transportation Barriers Compliance Board: Section 508 Compliance (2/18/15) ..	45
USAID.....	45
USAID Acquisition Regulation: Administrative Changes (3/12/15)	45
Partner Vetting in USAID Assistance (6/26/15)	45
Administrative Changes and Clauses to AIDAR (11/12/15)	45
U.S. Trade Representative.....	45
Procurement Thresholds for Implementation of Trade Agreement Act of 1979 (12/15/15).....	45

Legislation

Appropriations Acts

Fiscal Year 2015 Appropriations

Further Continuing Appropriations (P.L. 114-3; 2/27/15)

This Act extends the deadline of February 28, 2015 for the Department of Homeland Security only that was contained in P.L. 113-164 until March 6, 2015. All other federal agencies received appropriations for the balance of fiscal year 2015 in the Consolidated and Further Continuing Appropriations Act, 2015, signed 12/16/14 (P.L. 113-235).

Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4; 3/4/15)

This Act provides funding for the Department of Homeland Security for the balance of fiscal year 2015.

Fiscal Year 2016 Appropriations

TSA Office of Inspection Accountability Act; Continuing Appropriations Act, 2016 (P.L. 114-53; 9/30/15)

This Act requires the Transportation Security Administration to conform to existing federal law and regulations regarding criminal investigator positions. It also provides a Continuing Resolution for fiscal year 2016 for the entire federal government from October 1, 2015 through December 11, 2015 at fiscal year 2015 levels and authorities unless otherwise established in this Act.

Section 8 of the Consolidated Appropriations Act, 2016 (P.L. 114-113) amended this Act to change the long title and to create a “Division A” relating to the TSA Inspector General and a “Division B” relating to the continuing appropriations for fiscal year 2016.

Further Continuing Appropriations (P.L. 114-96; 12/11/15)

This Act provides a further Continuing Resolution for fiscal year 2016 for the entire federal government from December 11, 2015 through December 16, 2015.

Further Continuing Appropriations (P.L. 114-100; 12/16/15)

This Act provides a further Continuing Resolution for fiscal year 2016 for the entire federal government from December 16, 2015 through December 22, 2015.

Consolidated Appropriations Act, 2016 (P.L. 114-113; 12/18/15)

This 887 page Act provides funding for all federal agencies for the balance of fiscal year 2016. The spending levels reflect the increased discretionary spending levels enacted as part of the Bipartisan Budget Act of 2015 (below). Divisions “A” through “L” of the Act include the full-year appropriations acts for each of the “regular” appropriations bills. Also embedded in this Act is Division “M” that provides authorization for the Intelligence Community for fiscal year 2016 (known as the “Intelligence Authorization Act of 2016”), Division “N” relating to cybersecurity (known as the “Cybersecurity Act of 2015”) and Division “P” relating to tax extenders and other tax provisions (known as the “PATH Act”).

Authorization Acts

National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92; 11/25/15)

On September 29, congressional conferees reached an agreement on a fiscal year 2016 National Defense Authorization Act and cleared the measure for the President on October 7, 2015; however, on October 20, the President vetoed it because of the bill's reliance on the Overseas Contingency Operations account to circumvent statutory spending caps enacted by the Budget Control Act and restrictions on transferring Guantanamo Bay detainees. Subsequently, after enactment of the Bipartisan Budget Act of 2015 (below) that increased discretionary spending levels, Congress revised and passed an amended NDAA on November 10, 2015 and the President signed the bill.

While the funding provisions in the bill were revised to reflect the budget agreement, there were no changes to the policy provisions contained in the original bill. There are dozens of policy provisions included (or in some cases excluded) from the bill that are of interest. Below is brief summary of those provisions.

Services and Information Technology Acquisition and Cyber

Section 882 – Examination and Guidance Relating to Oversight and Approval of Services Contracts:

Requires the Under Secretary of Defense (AT&L) to complete an examination of the decision authority related to the acquisition of services and develop and issue guidance (by March 1, 2016) to improve capabilities and processes related to the requirements development and source selection for, and oversight and management of, services contracts. PSC supports this provision and encourages AT&L to consult with industry during the development of the required guidance.

Section 883 – Streamlining Requirements Relating to Defense Business Systems: Requires, among other things, that DoD review defense business processes and revise them as necessary to match best commercial practices and minimize customization of commercial business systems. This provision also requires defense business systems to rely on an acquisition and sustainment strategy that prioritizes the use of commercial software and business processes. Also requires the Secretary of Defense to issue guidance for major automated information systems acquisition programs to promote the use of best practices for contracting, requirements development, systems engineering and program management, including policies to evaluate and adopt commercial off-the shelf business systems.

Section 885 – Amendments Concerning Detection and Avoidance of Counterfeit Electronic Parts:

Authorizes DoD to approve industry-selected suppliers to protect against the inclusion of counterfeit electronic parts in DoD systems.

Section 888 – Standards for Procurement of Secure Information Technology and Cyber Security

Systems: Requires DoD to conduct an assessment of the application of the Open Trusted Technology Provider Standard (OTTPS) or similar public, open technology standards to DoD procurement for IT and cybersecurity acquisitions. PSC raised concerns about the House version of this language because it only focused on the OTTPS. We are pleased the language has been broadened to include the review of other open standards.

Section 889 – Unified IT Services: Requires DoD to complete a business case analysis (BCA) to determine the most effective and efficient way to procure and deploy common IT services. The BCA is to include an assessment of whether DoD should acquire a unified set of commercially provided enterprise IT services, or allow the military departments to acquire such services separately.

Section 890 – Cloud Strategy for Department of Defense: Tasks several individuals within DoD with collaborating on the development of a cloud strategy for the Secret Internet Protocol Router Network (SIPRNet) of the department. Also directs the DoD CIO to assess the feasibility and advisability of imposing a minimum set of open standards for cloud infrastructure, middleware, metadata, and APIs to promote interoperability, information sharing, ease of access to data, and competition across all of the cloud computing systems and services utilized by the department.

Section 891 – Development Period for Department of Defense Information Technology Systems: Requires DoD to justify the need for more time to complete a major automated information system that is not deployed within five years of program initiation.

Section 894 – Sense of Congress on Evaluation Method for Procurement of Audit or Audit Readiness Services: Expresses the sense of Congress that DoD should establish the value and metrics for evaluating companies offering audit services prior to using LPTA to procure such services. While PSC supports this provision, we would have preferred inclusion in the final bill of a House-passed provision that would have prohibited the use of LPTA for procuring audit or audit readiness services.

Section 895 – Mitigating Potential Unfair Competitive Advantage of Technical Advisors to Acquisition Programs: Requires DoD to review, and revise as necessary within 180 days of enactment, policy guidance pertaining to the identification, mitigation, and prevention of potential unfair competitive advantage conferred to technical advisors working on acquisition programs.

Section 1641 – Codification and Addition of Liability Protections Relating to Reporting on Cyber Incidents or Penetrations of Networks and Information Systems of Certain Contractors: Provides liability protections for “cleared” and “operationally critical” contractors who are required by Section 941 of the fiscal year 2013 NDAA to report cyber incidents to DoD. PSC has advocated for the adoption of such liability protections.

Several provisions under this category that were included in the House-passed version of the bill were NOT included in the final bill and are worth noting. Among them are:

House-passed Section 321 – Assignment of Certain New Requirements Based on Determinations of Cost-Efficiency: This provision would have required that new work that was not designated “closely associated with inherently governmental” or “critical” functions be assigned to DoD civilian or contractor personnel based on cost-efficiency that would be determined using DoD’s current Instruction 7041.04. PSC has been critical of DoDI 7041.04 since its creation and has repeatedly highlighted its deficiencies, as has the Government Accountability Office (GAO). In the explanatory statement for the conference report, the conferees recognize the limitations of the DoDI and direct DoD to report what it is doing to address the limitations.

House-passed Section 807 – Compliance with Inventory of Contracts for Services: This provision would have limited the expenditure of funds for the office of the Under Secretary of Defense (Personnel and Readiness) until certain conditions were met regarding DoD compliance with the development and review of the annual service contract inventories. PSC raised concerns about this provision because we believe the inventories have little, if any, utility and the required reviews of the inventory would likely lead to insourcing of functions perfectly suitable for private sector performance. In lieu of including Section 807, the conferees direct DoD to review its approach to complying with the inventory creation and subsequent reviews of it.

House-passed Section 863 – Extension of Limitation on Aggregate Annual Amount Available for Contract Services: This provision would have extended the limitation on the aggregate annual amount available for contract services. PSC strongly opposed the inclusion of this arbitrary cap on services contract spending and is pleased that it was not included in the final version.

Access to Innovation, Commercial Items Acquisition and Access to New Sources of Supply Section 803 – Expansion of Rapid Acquisition Authority: Expands the existing DoD rapid acquisition authority to cover urgent needs arising from a cyber attack, or a gap in supplies and associated services, that could potentially result in a critical mission failure or a loss of life.

Section 804 – Middle Tier of Acquisition for Rapid Prototyping and Rapid Fielding: Requires DoD to establish guidance within 180 days of enactment for rapid prototyping and rapid fielding of acquisition programs using innovative and proven technologies that are expected to be completed in a period of two to five years.

Section 805 – Use of Alternative Acquisition Paths to Acquire Critical National Security Capabilities: Directs DoD to establish procedures within 180 days of enactment for alternative acquisition pathways to acquire capital assets and services that meet critical national security needs. The procedures should be supported by streamlined contracting, budgeting, and requirements processes and should be separate from existing acquisition procedures. This provision originated in the Senate bill and is intended to address the Senate Armed Services Committee’s concern that DoD is in danger of losing its technological advantage in many areas and is no longer accessing the most innovative parts of the industrial base.

Section 806 – Secretary of Defense Waiver of Acquisition Laws to Acquire Vital National Security Capabilities: Authorizes the Secretary of Defense to waive, with certain limitations, the applicability of certain acquisition laws and regulations in order to acquire a capability that is not available to the armed services and is vital to the national security interests of the United States.

Section 813 – Rights in Technical Data: Clarifies that the existing presumption that a commercial item was developed exclusively at private expense applies in the case of 1) a component of a weapon system or subsystem that was acquired as a commercial item and 2) any other component that is a COTS item or a COTS item with modification(s) of a type customarily available in the commercial marketplace or with minor modification(s) made to meet government requirements. This provision also requires the establishment within 90 days of enactment of a government/industry advisory panel for the purposes of reviewing existing laws regarding rights in technical data.

Section 815 – Amendments to Other Transaction Authorities: Makes permanent the DoD authority to utilize transactions other than FAR-covered contracts for prototype projects provided that at least one nontraditional defense contractor is participating to a significant extent in the project or all significant parties involved in the transaction are small businesses. This provision also seeks to clarify that transactions entered into under the OTA may provide for the award of a follow-on production contract or transaction.

Section 816 – Amendment to Acquisition Threshold for Special Emergency Procurement Authority:

Raises the special emergency procurement authority threshold from \$250,000 to \$750,000 for purchases inside of the U.S. and from \$1 million to \$1.5 million for purchases outside of the U.S. Originally, this provision included an across the board increase in the simplified acquisition threshold from \$100,000 to \$500,000. That element of the provision was dropped from the final bill.

Section 851 – Procurement of Commercial Items: Requires DoD to establish a “centralized capability” to oversee the making of commercial item determinations and to provide public access to DoD commercial item determinations. Also permits a contracting officer to presume a prior commercial item determination is acceptable for subsequent procurements and requires a contracting officer to elevate to the head of contracting activity any cases in which the contracting officer does not accept the previous commercial item determination(s). PSC supports the “presumption” language in this section.

Section 852 – Modification to Information Required to be Submitted By Offeror in Procurement of Major Weapon Systems as Commercial Items: Strikes the requirement in current law for a written determination by a contracting officer that the offeror of the item has submitted sufficient information to determine price reasonableness with regard to the acquisition of a weapon system or a component of a weapon system that is a commercial item.

Section 853 – Use of Recent Prices Paid by the Government in the Determination of Price

Reasonableness: Requires DoD contracting officers to consider, in establishing price reasonableness, evidence provided by an offeror of recent purchase prices paid by the government for the same or similar commercial items. PSC supports this provision.

Section 854 – Report on Defense-Unique Laws Applicable to the Procurement of Commercial Items

and COTS: Requires DoD to report within 180 days of enactment to Congress on the defense-unique provisions of law that are applicable for procurement of commercial items. PSC supports this provision because we believe there has been a significant increase in government-unique requirements tied to commercial items procurements since the passage of the Federal Acquisition Streamlining Act of 1994.

Section 855 – Market Research and Preference for Commercial Items:

Requires DoD to issue guidance within 90 days of enactment to ensure that DoD acquisition personnel fully comply with existing preferences to purchase supplies and services as commercial items. The guidance must include, at minimum, a requirement that the head of a defense agency may not enter into a contract above the simplified acquisition threshold for IT products or services that are not commercial items unless the agency head has determined in writing that no commercial items are suitable to meet the agency’s needs.

Section 856 – Limitation on Conversion of Procurements from Commercial Acquisition Procedures:

Establishes an approval process within DoD when a contracting officer seeks to convert the acquisition of a commercial item from FAR Part 12 procedures to noncommercial acquisition procedures under FAR Part 15.

Section 857 – Treatment of Goods and Services Provided by Nontraditional Defense Contractors as Commercial Items:

Authorizes DoD to treat goods and services provided by nontraditional defense contractors as commercial items, thus enabling the use of streamlined acquisition procedures and reducing burdens to provide detailed cost data. Nontraditional defense contractor is defined as an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation, any DoD contract or subcontract that is subject to full CAS coverage or any other contract in excess of \$500,000 under which the contractor is required to submit certified cost or pricing data.

Section 873 – Pilot Program for Streamlining Awards for Innovative Technology Projects:

Exempts contracts and subcontracts less than \$7.5 million awarded under the Small Business Innovative Research Program or a technical, merit-based selection procedure, such as a broad agency announcement, from the requirements to provide cost or pricing data to the department.

Section 875 – Review of Government Access to Intellectual Property Rights of Private Sector Firms:

Requires DoD to enter into a contract within 30 days of enactment with an independent entity to review 1) DoD regulations, practices, and sustainment requirements related to government access to and use of intellectual property rights of private sector firms, and 2) DoD practices related to the procurement, management, and use of intellectual property rights to facilitate competition in sustainment of weapons systems throughout their lifecycle.

Section 892 – Revision to Pilot Program on Acquisition of Military Purpose Nondevelopmental Items:

Expands the applicability of the pilot program on the acquisition of military purpose nondevelopmental items to additional classes of contractors and applies the standards of the Competition in Contracting Act of 1984.

Improving Collaboration and Reducing Compliance Burdens

Section 809 – Advisory Panel on Streamlining and Codifying Acquisition Regulations:

Requires the establishment within 180 days of enactment of a government/industry panel to advise the department on streamlining acquisition regulations. The nine-member panel is similar to the “Section 800 Panel” established by the FY1991 NDAA. The duties of the panel include making recommendation to 1) improve the functioning of the acquisition system, and 2) eliminate any unnecessary regulations. The panel is not subject to FACA and is required to transmit a final report to the Secretary of Defense within two years. Funds available in the Defense Acquisition Workforce Development Fund may be used to support the panel. PSC supports this provision.

Section 887 – Effective Communication Between Government and Industry:

Requires the FAR Council to prescribe a regulation within 180 days of enactment making clear that acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. PSC has been calling for additional guidance on this issue since OFPP issued its first “Myth Busting” memo several years ago.

Section 896 – Survey on the Costs of Regulatory Compliance: Requires DoD to conduct a survey of defense contractors with the highest level of reimbursements for cost-type contracts and identify the cost to industry of regulatory compliance with government-unique acquisition regulations and requirements that are not imposed on commercial item contracts.

Section 899 – Pilot Program Regarding Risk-Based Contracting for Small Contract Action Under the Truth in Negotiations Act: Authorizes a DoD test program that allows DoD to raise the Truth In Negotiation Act (TINA) threshold from \$750,000 to \$5 million provided that DoD implements a risk-based approach that requires the submission of certified cost or pricing data for a sample of contracts to determine if DoD is actually receiving fair and reasonable pricing for non-competitive awards for non-commercial items.

Industrial Base and Small Business Provisions

Section 861 – Amendment to Mentor-Protégé Program: Clarifies the eligibility requirements, forms of assistance, and reporting requirements associated with the DoD mentor-protégé program and also extends the program’s authorization through fiscal year 2018. However, the provision also requires additional reporting by protégé firms and a DoD review to ensure that the program is being utilized as intended.

Section 862 – Amendments to Data Quality Improvement Plan: Requires SBA to implement an existing statutorily required plan to improve the quality of data reported on consolidated and bundled contracts and also requires SBA to certify the accuracy and completeness of data reported about bundled or consolidated contracts. This provision also tasks GAO with conducting a study about the effectiveness of the plan and the accuracy of the data provided.

Section 863 – Notice of Contract Consolidation for Acquisition Strategies: Clarifies that the head of an agency is required to issue a public notice justifying the reasons for moving forward with an acquisition that involves a substantial bundling of contract requirements. The provision also requires that the justification be publicly posted at least seven days in advance of the publication of any solicitation for a procurement that involves a substantial bundling of contract requirements.

Section 864 – Clarification of Requirements Related to Small Business Contracts for Services: Clarifies that the “non-manufacturer rule” does not apply to contracts that are principally for the purpose of providing services or construction.

Section 867 – Joint Venturing and Teaming: Requires federal agencies to consider the capabilities of all members of a joint venture or first-tier subcontractors under a teaming arrangement when evaluating the past performance of the joint venture or the team. This provision is designed to push back on recent government acquisition strategies that did not allow JVs or teams to obtain credit for the past performance of the individual team members. GSA’s OASIS contract is a prime example.

Section 868 – Modification to Scorecard Program for Small Business Contracting Goals: Modifies how SBA calculates small business prime and subcontracting goal achievement by the federal agencies and requires, among other things, that the government ensure the participation of a broad spectrum of small businesses within each industry. Also tasks GAO with developing a report regarding the accuracy and effectiveness of SBA’s methodology to encourage small business participation across all NAICS codes. PSC supports this provision.

Section 869 – Establishment of an Office of Hearings and Appeals in the Small Business

Administration; Petitions for Reconsideration of Size Standards: Codifies the Office of Hearings and Appeals (OHA) within SBA and authorizes OHA to receive and decide upon petitions for reconsideration of size standards. This provision provides the public with an avenue to challenge whether SBA adhered to federal laws and regulations when determining the appropriate dollar value (or cap on the number of employees) that will be used to determine whether a company is a small or an “other-than-small” business.

Section 870 – Additional Duties of the Director of Small and Disadvantaged Business Utilization:

Outlines the responsibilities of a federal agency small business office in cases where a small business initiates contact with the office prior to the award of a contract in which the small business believes the solicitation unduly restricts the ability of the small business to compete for the award.

Section 871 – Including Subcontracting Goals in Agency Responsibilities: Adds small business subcontracting goal achievement to the list of responsibilities of senior executive service members and other senior officials responsible for acquisition. The FY2013 NDAA added small business prime contracting goal achievement as a responsibility of covered officials.

Section 876 – Inclusion in Annual Technology and Industrial Capability Assessments of a

Determination About Defense Acquisition Program Requirements: Adds to existing industrial base studies new requirements to examine the capabilities of nontraditional defense contractors to meet present and projected performance capabilities associated with defense acquisition program requirements.

Section 881 – Consideration of Potential Program Cost Increases and Schedule Delays Resulting From Oversight of Defense Acquisition Programs: Directs multiple DoD officials to ensure that policies, procedures, and activities implemented by their offices and agencies in connection with defense acquisition program oversight do not result in unnecessary increases in program costs or schedule delays.

Acquisition Workforce

Section 841 – Amendment to the DAWDF: Makes permanent the authority for both the Defense Acquisition Workforce Development Fund and the associated expedited hiring authority.

Sec. 842 – Dual Track Military Professionals in Operation and Acquisition Specialties: Reinstates a dual-tracking system of primary and functional secondary career fields for officers and noncommissioned officers serving in acquisition positions.

Section 843 – Provision of Joint Duty Assignment Credit for Acquisition Duty: Enables military acquisition professionals to broaden their promotion and career opportunities by making it easier for them to receive joint professional credit. This provision also would permit officers who serve in acquisition positions to receive joint duty assignment credit.

Section 844 – Mandatory Requirement for Training Related to the Conduct of Market Research:

Requires mandatory training for members of the armed services and DoD employees responsible for conducting market research and requires the training to address, at minimum, market research in the acquisition of commercial items and best practices for documenting and sharing market research across the department.

Section 845 – Independent Study of Implementation of Defense Acquisition Workforce Improvement Efforts: Requires DoD to enter into a contract within 30 days of enactment with an independent research entity to carry out a comprehensive study of DoD’s strategic planning related to the defense acquisition workforce.

Section 1110 – Pilot Program on Temporary Exchange of Financial Management and Acquisition Personnel: Authorizes DoD to assess the feasibility of the temporary assignment of certain DoD employees to nontraditional defense contractors, and vice versa, in the fields of financial management and acquisition.

Section 1111 – Pilot Program on Enhanced Pay Authority for Certain Acquisition and Technology Positions in DoD: Would allow DoD to pay higher compensation to recruit and retain senior acquisition officials who are “exceptionally qualified.”

Section 1112 – Pilot Program on Direct Hire Authority for Veteran Technical Experts in the Defense Acquisition Workforce: Authorizes DoD to directly appoint qualified veteran candidates for STEM positions on a limited basis.

Section 1113 – Direct Hire Authority for Technical Experts in the Defense Acquisition Workforce: Authorizes, with certain limitations, the service secretaries of each military department to directly appoint qualified candidates possessing a scientific or engineering degree to positions in the defense acquisition workforce.

Oversight

Section 801 – Required Review of Acquisition-Related Functions of the Chiefs of Staff of the Armed Forces: Requires the Chiefs of Staff of the Army and Air Force, the Commandant of the Marine Corps, and the Chief of Naval Operations to review their existing statutory authorities and other statutes and regulations related to defense acquisition for the purpose of making recommendations to advance their role in the development of requirements, acquisition processes, and associated budget practices of DoD. The Chiefs are required to deliver a report to the congressional defense committees by March 1, 2016 that includes the recommendations.

Section 802 – Role of the Service Chiefs in the Acquisition Process: States the objective of the defense acquisition system is to meet the needs of the customer, i.e. the armed force with primary responsibility for a specific program—represented by the Secretary of the military department or the relevant Chief of Staff—and that it is the responsibility of the customer to balance major defense acquisition program resources and priorities and to ensure the appropriate trade-off between cost, schedule, technical feasibility, and performance throughout the lifecycle of the acquisition program.

Section 808 – Report on Linking and Streamlining Requirements, Acquisition, and Budget Processes within the Armed Services: Requires the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps to submit within 180 days of enactment to the congressional defense committees a report on efforts to link and streamline the requirements, acquisition, and budget processes within the Army, Navy, Air Force, and Marine Corps, respectively.

Section 821 – Acquisition Strategy Required for Each Major Defense Acquisition Program, Major Automated Information System, and Major System: Requires the development of (and clarifies the content to be included in) an acquisition strategy for each major defense acquisition program (MDAP), major automated information system (MAIS), and major defense system. The provision seeks to consolidate various statutory provisions and establish the importance of the acquisition strategy as the key management document for a major system acquisition.

Section 822 – Revision to Requirements Relating to Risk Management in Development of Major Defense Acquisition Programs and Major Systems: Requires the acquisition strategy for any MDAP, MAIS, or major defense system to include a comprehensive approach for managing and mitigating risk at regular intervals during the acquisition lifecycle.

Section 823 – Revision of Milestone A Decision Authority Responsibilities for Major Defense Acquisition Programs: Requires the milestone decision authority to ensure that the Secretary and the Chief of Staff of the armed service concerned concur on the cost, schedule, technical feasibility, and performance trade-offs that have been made with regard to the program before it advances beyond Milestone A approval.

Section 824 – Revision of Milestone B Decision Authority Responsibilities for Major Defense Acquisition Programs: Specifies the considerations the milestone decision authority must take into account prior to receiving Milestone B approval.

Section 825 – Designation of Milestone Decision Authority: Designates the service acquisition executive of the relevant military department as the milestone decision authority for each MDAP reaching Milestone A after October 1, 2016. Also permits the Secretary of Defense to designate another official as the milestone decision authority and creates a framework for transitioning the authority back to the service acquisition authority.

Section 826 – Tenure and Accountability of Program Managers for Program Definition Periods: Requires DoD to develop guidance within 180 days of enactment that clarifies the roles and responsibilities of program managers through the Milestone B approval of an MDAP.

Section 827 – Tenure and Accountability of Program Managers for Program Execution Periods: Requires DoD to develop guidance within 180 days of enactment that clarifies the roles and responsibilities of program managers beginning with Milestone B approval and ending with the declaration of initial operational capability.

Section 828: Penalty for Cost Overruns: Imposes a 3% penalty on military departments based on the cumulative cost of overruns on all of its MDAPs. Funds collected under this provision would be credited to a Rapid Prototyping Fund established in section 804 of this Act. MDAPs covered by this provision are limited to those in which the original Baseline Estimate was established after the date of enactment of the Weapon Systems Acquisition Reform Act (WASARA), i.e. May 22, 2009.

Section 830 – Configuration Steering Boards for Cost Control Under Major Defense Acquisition Programs: Adds to the existing responsibilities of the military departments' configuration steering boards a new requirement that the boards ensure that the Chief of Staff of the concerned armed service approves any proposed changes to the program that could have an adverse effect on program cost or schedule.

Section 831 – Repeal of Requirement for Stand-Alone Manpower Estimates for Major Defense Acquisition Programs: Consolidates the statutory requirement for a detailed manpower estimate prior to the approval of development or production and deployment of an MDAP.

Section 893 – Improved Auditing of Contracts: Denies DCAA the ability to perform audit support to non-DoD agencies until it certifies that the backlog for incurred cost audits is less than 12 months. PSC opposes this provision.

Other Provisions of Interest

Section 807 – Acquisition Authority of the Commander of United States Cyber Command: Provides limited acquisition authorities to the U.S. Cyber Command.

Section 810 – Review of Time-Based Requirements Process and Budgeting and Acquisition Systems: Directs the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to review the requirements process with the goal of establishing an agile and streamlined system that develops requirements that provide stability and foundational direction for acquisition programs. Also requires a determination on the advisability of providing a time-based or phased distinction between capabilities needed to be deployed urgently, within two years, within five years, and longer than five years. Lastly, requires DoD to review and ensure that acquisition and budgeting systems are structured to meet time-based or phased requirements in a manner that is predictable, cost effective, and efficient and takes advantage of emerging technological developments.

Section 1086 – Reform and Improvement of Personnel Security, Insider Threat Detection and Prevention, and Physical Security: Sets in motion the potential for significant reforms to the personnel and facilities security clearance processes including requirements that DoD 1) develop a plan to implement Continuous Evaluation for the national security population to reduce critical gaps in background investigations; 2) develop standards for physical and logical access to secured facilities and information systems; and 3) in coordination with OMB, the Chair of the Performance Accountability Council (PAC), and GSA, develop a capability to share and apply electronic identity information across the government. The provision also requires the PAC Chair to develop a plan to ensure reciprocity management systems function effectively and securely. It also requires the PAC Chair, along with the Security and Suitability Executive Agents and the Secretary of Defense, to jointly develop a plan to ensure implementation of uniform self-reporting requirements for all personnel who hold a clearance, including contractors.

Other Laws

Terrorism Risk Insurance Program Reauthorization Act of 2015 (P.L. 114-1; 1/12/15)

This act provides a six year reauthorization of the Terrorism Risk Insurance program. Among other revisions, it changes the current program by:

- Decreasing the federal share of insured loss shared compensation from 85% to 80% in one percent annual increments;
- Increasing the program trigger from \$100 million to \$200 million in \$20 million annual increments;
- Increasing the mandatory recoupment of the federal share from \$27.5 billion to \$37.5 billion in \$2 billion annual increments;
- Increases the mandatory recoupment of the federal share from 133 percent to 140 percent;
- Requires the Secretary of the Treasury to conduct a study regarding the certification process of an act of terrorism.

Protecting Affordable Coverage for Employees Act (P.L. 114-60; 10/7/15)

This Act amends the Affordable Care Act to restore the fifty employee threshold for the small group health insurance market and gives states the option to expand their small group market to 100 employees.

Bipartisan Budget Act of 2015 (P.L. 114-74; 11/2/15)

Section 101 of the Act provides revised ceilings under the Budget Control Act for fiscal years 2016 and 2017 for both the “security” and “non-security” functions of the federal budget. It also makes adjustments to the direct spending reductions for fiscal years 2016 and 2017 and further extends the Budget Control Act reductions (sequestration) from 2024 to 2025. It also provides adjustments for the Overseas Contingency Operations Accounts for budget functions 050 and 150 for fiscal years 2016 and 2017.

Section 501 is titled the “Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015” and amends the 1990 Federal Civil Penalties Inflation Adjustment Act to provide for an annual adjustment in the federal civil penalties. Not later than December 15 of each year (after the first year of enactment), the Director of OMB shall issue guidance to the agencies on implementing the inflation adjustment required by this Act.

Title VIII of the Act makes adjustments to the Social Security program and beneficiary eligibility. The title provides new and stronger penalties for conspiracy to commit Social Security fraud, including increased civil monetary penalties for certain individuals who violate positions of trust.

Section 901 of the Act provides for a temporary extension of the public debt until March 15, 2017. Other restrictions on creating excess cash management reserves are also provided.

Fixing America's Surface Transportation ("FAST") Act (P.L. 114-94; 12/4/15)

Division A of the Act addresses surface transportation issues, including for the Federal-aid Highway program, public transportation programs, motor carrier safety, and provisions relating to Amtrak and intercity rail service.

Division B of the Act is titled the "Comprehensive Transportation and Consumer Protection Act of 2015," and provides for motor vehicle safety, driver privacy, and motor vehicle whistleblower protection.

Division C of the Act addresses revenue provisions, including tax provisions and fees and receipts.

Division D of the Act covers miscellaneous provisions.

Division E of the Act extends the authorization for the Export-Import Bank through 2019. It also establishes new offices in the Bank, reduces the authorized amount of outstanding loans, guarantees and insurance, seeks to modernize the operations of the Bank, and promotes small business exports by increasing small business lending requirements and requiring reports on programs for small and medium-sized business exporters.

Division F of the Act addresses energy security.

Division G of the Act addresses financial services, including improving access to capital for emerging growth companies.

Federal Improper Payments Coordination Act of 2015 (P.L. 114-109; 12/18/15)

Section 2 of the Act expands the use of the "Do Not Pay" list to the judicial and legislative branches, as well as to state governments and state government contractors.

Section 3 of the Act aims to improve sharing among federal agencies of information in the databases that make up the "Do Not Pay" list and provides guidance to the Social Security Administration for reporting deaths of individuals and guidance to the Department of State for reporting deaths of U.S. citizens abroad.

Section 4 requires a report by the Secretary of the Treasury on how Treasury is using data analytics to identify improper and duplicative payments.

Regulations

The President

Memorandum: Use of Unmanned Aircraft Systems (2/15/15)

This memorandum establishes transparent principles to guide the federal government's use of unmanned aircraft systems (UAS) in the national airspace system (NAS), and to promote the responsible use of technology in the private and commercial sectors. Among other items, the memorandum requires federal agencies to verify the existence of rules of conduct and training for federal government personnel and contractors who work on UAS programs, and procedures for reporting suspected cases of misuse or abuse of UAS technologies.

Executive Order 13691: Promoting Private Sector Cybersecurity Information Sharing (2/13/15)

This Executive Order directs federal agencies to take specific action to promote sharing of certain cybersecurity information, while protecting privacy and business confidential information.

Executive Order 13693: Planning for Federal Sustainability in the Next Decade (3/19/15)

This Executive Order will require agencies to reduce greenhouse gas emissions and increase clean energy use, including provisions aimed at promoting sustainability in government acquisition and reducing greenhouse gas emissions throughout the federal supply chain. The order promotes the federal preferences for recycled products, energy and water efficient products and services and bio-preferred and bio-based designated products. It directs federal agencies to establish an annual target for the number of contracts to be awarded with bio-preferred and bio-based criteria.

Executive Order 13694: Cyber-Related Sanctions Regulations (4/1/15)

This Executive Order provides authority for the federal government to block the property of certain persons engaged in significant malicious cyber-enacted activities and authorizes the Secretary of the Treasury to impose sanctions on individuals or entities that engage in malicious cyber-enabled activities that create a significant threat to national security, foreign policy or the economic health or financial stability of the U.S. [Note: Treasury issued a final rule 12/30/15, *infra*, amending the Office of Foreign Assets Control regulations to provide immediate abbreviated implementation of this Order.]

Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/15)

This Executive Order requires new contracts and other actions to include a clause specifying as a condition of payment that all employees in the performance of a covered contract or subcontract shall earn not less than one hour of paid sick leave for every 30 hours worked.

Federal Acquisition Regulation (FAR)

FAC 2005-80 (1/29/15)

This FAC includes two final rules and one technical change, including:

1. A final rule, titled "Ending Trafficking in Persons," effective 3/2/15, amending the FAR to strengthen protections against trafficking in persons in federal contracts. The rule implements provisions of title 17 of the FY13 National Defense Authorization Act (NDAA) and Executive Order 13627 (9/25/12) titled "Strengthening Protections Against Trafficking in Persons in Federal Contracts." A proposed rule was published 9/26/13; numerous public comments were

submitted and the proposed rule is converted to final with changes. A correction was published 2/9/15.

2. A final rule, titled “Management and Oversight of the Acquisition of Services,” effective 3/2/15, amending the FAR to implement a DoD recommendation to strengthen guidance on service acquisitions on uncompensated overtime. No proposed rule was published for comment. A correction was published 2/9/15.

List of Domestically Non-available Articles (3/24/15)

This advance notice of proposed rulemaking would amend the FAR to update the list of domestically non-available articles under the Buy American Act.

FAC 2005-81 (4/10/15)

This FAC includes one interim rule, including:

1. An interim rule, titled “Further Amendments to Equal Employment Opportunity,” effective 4/10/15, amending the FAR to implement final rules of the Office of Federal Contract Compliance Programs (OFCCP) of the Department of Labor published on 12/9/14. A correction was published 5/7/15. [Note: [a final rule, effective 12/4/15](#), amends the FAR to implement Executive Order 13672 and the 12/9/14 final rule issued by the Department of Labor regarding prohibiting discrimination in federal procurement by adding sexual orientation and gender identity to the prohibited bases of discrimination]. One comment was submitted on the interim rule and the interim rule is converted to final without change.

FAC 2005-82 (5/7/15)

This FAC includes three final rules and one technical change, including:

1. A final rule, titled “Equal Employment and Affirmative Action for Veterans and Individuals with Disabilities,” effective 5/7/15, to implement final rules issued by OFCCP relating to equal opportunity and affirmative action for veterans and individuals with disabilities, published on 9/24/13. An interim rule was published 7/25/14; no public comments were submitted and the interim rule is converted to final without change.
2. A final rule, titled “Review and Justification of Pass-Through Contracts,” effective 6/8/15, amending the FAR to implement Section 802 of the FY13 NDAA that provides additional requirements relating to the review and justification of pass-through contracts. An interim rule was published on 7/10/14; two respondents submitted comments and the interim rule is converted to final with changes.
3. A final rule, titled “Enhancements to Past Performance Evaluation Systems,” effective 6/8/15, amending the FAR to accommodate the recent merger of the Architect-Engineer Contract Administration Support System (ACASS) and the Construction Contractor Appraisal Support System (CCASS) modules within the CPARS database. A proposed rule was published 9/15/14; one respondent submitted comments and the proposed rule is converted to final without change.

High Global Warming Potential (GWP) Hydrofluorocarbons (HFCs) (5/11/15)

This proposed rule would amend the FAR to implement policy in the President’s Climate Action Plan to procure, where feasible, alternatives to high GWP HFCs and allow agencies to better meet the

greenhouse gas emission reduction goals and reporting requirements of Executive Order 13693 (3/25/15).

Contractors Performing Private Security Functions (5/27/15)

This proposed rule would amend the FAR to remove the distinction between DoD and non-DoD agency areas of operation applicable for the use of the FAR clause “Contractors Performing Private Security Functions Outside the United States” and provide a definition of “full cooperation” required by the clause. [\[A related DFARS proposed rule was published 12/30/15.\]](#)

Fair Pay and Safe Workplaces (5/28/15)

This proposed rule would amend the FAR to implement Executive Order 13673 dated 7/31/14, as amended on 12/11/14, which is designed to improve contractor compliance with labor laws and increase efficiency and cost savings in federal contracting. The Department of Labor issued companion guidance (below) to implement related provisions of the Executive Order and this rule on 5/28/15. On 7/14/15, comments on the FAR rule were extended to 8/11/15. On 8/5/15, comments on the FAR rule were further extended to 8/26/15.

Definition of Multiple-Award Contract

A. Proposed Rule (6/2/15)

This proposed rule would amend the FAR to define the term “multiple-award contract.”

B. Final Rule (12/31/15)

This final rule, effective 2/1/16, amends the FAR to define the term “multiple-award contract.” One respondent commented on the proposed rule and the proposed rule is converted to final without change.

Consolidation and Bundling of Contract Requirements (6/3/15)

This proposed rule would amend the FAR to implement sections 1312 and 1313 of the 2010 Small Business Jobs Act and regulatory changes made by the Small Business Administration on 10/23/13 concerning contract consolidation and bundling, including making the changes applicable to commercial items and COTS items.

Small Business Subcontracting Improvements (6/10/15)

This proposed rule would amend the FAR to implement regulatory changes made by SBA that provide government-wide policy on small business subcontracting. SBA’s final rule was published 7/16/13.

FAC 2005-83 (7/2/15)

This FAC includes seven final rules, including:

1. A final rule, effective 10/1/15, amending the FAR to implement an inflation adjustment of acquisition-related dollar thresholds. A proposed rule was published on 11/25/14; two respondents submitted comments and the proposed rule is converted to final with minor changes because some of the inflation adjustments are lower than proposed due to lower inflation than was projected at the time the proposed rule was published. DoD, GSA and NASA have also used the same methodology to adjust non-statutory FAR acquisition-related thresholds. A correction was published 9/8/15.

2. A final rule, effective 7/2/15, amending the FAR to address the continuing government-wide statutory prohibition on the use of appropriated (or otherwise made available) funds for contracts with any foreign incorporated entity that is an inverted domestic corporation or any subsidiary of such entity. An interim rule was published 12/15/14; one comment was received and the interim rule is converted to final without change.
3. A final rule, effective 11/1/15, amending the FAR to require additional actions by contractors to assist contracting officers in ensuring compliance with the government-wide statutory prohibition on the use of appropriated (or otherwise made available) funds for contracts with any foreign incorporated entity that is an inverted domestic corporation or any subsidiary of such entity. A proposed rule was published 12/15/14; one comment was received and the proposed rule is converted to final without change.
4. A final rule, effective 8/3/15, amending the FAR to correct the terminology of synopses and update the description of the product and service codes related to exemptions from service contract labor standards. No proposed rule was published for comment.
5. A final rule, effective 8/3/15, amending the FAR to clarify that a determination of exceptional circumstances is needed when a noncompetitive contract awarded on the basis of unusual and compelling urgency exceeds one year either at the time of award or due to post-award modification. A proposed rule was published for comment on 12/30/14; one comment was received and the proposed rule is converted to final with a minor clarification.
6. A final rule, effective 8/3/15, amending the FAR to implement section 815 of the fiscal year 2015 NDAA that makes permanent the authority to issue solicitations using special simplified procedures for the acquisition of certain commercial items. No proposed rule was published for comment.

FAC 2005-84 (9/3/15)

This FAC includes one final rule and one technical correction, including:

1. A final rule, effective 10/5/15, amending the FAR to implement changes to the Electronic Product Environmental Assessment Tool (EPEAT) registry. An interim rule was published 6/24/14 to expand the federal requirements to procure EPEAT registered products beyond personal computer products to cover imaging equipment and televisions and modify the existing FAR requirements to recognize the revised standard applicable to computer products. One respondent submitted comments and the interim rule is converted to final with changes.

Simplified Acquisition Threshold for Overseas Acquisition in Support of Certain Operations (10/8/15)

This proposed rule would amend the FAR to implement a higher simplified acquisition threshold for overseas acquisitions in support of humanitarian or peacekeeping operations.

Improvement in Design-Build Construction Process (10/8/15)

This proposed rule would amend the FAR to implement Section 814 of the FY15 NDAA that requires the head of the contracting activity to approve any determinations to select more than five offerors to submit phase-two proposals for a two-phase design-build construction acquisition that is valued at greater than \$4 million.

Revision to Standard Forms for Bonds (10/20/15)

This proposed rule would amend the FAR to revise standard forms prescribed for contracts involving bonds or other financial protections and to clarify liability limitations and expand the options for organization types.

Unique Identification of Entities Receiving Federal Awards (11/18/15)

This proposed rule would amend the FAR to re-designate the terminology for unique identification of entities receiving federal awards. The change will remove the proprietary standard (DUNS). [Note: the proposed rule acknowledges that the federal government does not yet have an alternative to DUNS for unique identification and will continue to use that identification while exploring viable alternatives, notwithstanding the rule change.]

FAC 2005-85 (12/4/15)

This FAC includes seven interim and final rules, including:

1. An interim rule, effective 12/26/15, amending the FAR to implement sections of the FY15 Consolidated and Further Continuing Appropriations Act to prohibit the federal government from entering into a contract with any corporation having a delinquent federal tax liability or a felony conviction under any federal law unless the agency has considered suspension and debarment and has made a determination that this further action is not necessary to protect the interests of the government.
2. A final rule, effective 12/4/15, amending the FAR to implement Executive Order 13672 and a 12/9/14 final rule issued by the Department of Labor regarding prohibiting discrimination in federal procurement by adding sexual orientation and gender identity to the prohibited bases of discrimination. [An interim rule was published 4/10/15](#) and a correction published 5/7/15. One comment was submitted on the interim rule and the interim rule is converted to final without change.
3. An interim rule, effective 2/26/16, amending the FAR to implement a 9/25/14 final rule of the Department of Labor which revised the reporting requirement applicable to government contracts and subcontracts over the simplified acquisition threshold. The rule also incorporates revisions to certain definitions, the text of the reporting clause and the method for filing the annual report. No proposed rule was published for comment.
4. A final rule, effective 12/4/15, amending the FAR to implement a statutory pilot program enhancing whistleblower protections for contractor employees. An interim rule was published 9/30/13 to implement the four year pilot program (through 1/1/17) for agencies other than the Department of Defense that was enacted as part of the FY13 NDAA. One set of comments was received on the interim rule and the interim rule is converted to final without change.
5. A final rule, effective 1/4/16, amending the FAR to update the government contract file record retention periods to conform to the retention periods in the 9/12/14 National Archives schedule. No proposed rule was published for comment.
6. A final rule, effective 12/4/15, amending the FAR to establish a minimum wage for contractors and implementing Executive Order 13658 (2/12/14). An interim rule was published 12/15/14 and a correction published 12/18/14; one comment was received on the interim rule and the interim rule is converted to final without change.

FAC 2005-86 (12/31/15)

This FAC includes four interim and final rules, including:

1. A final rule, effective 2/1/16, amending the FAR to define the term “multiple-award contract.” [A proposed rule was published 6/2/15.](#)
2. An interim rule, effective 12/31/15, amending the FAR to implement regulatory changes made by the SBA that provide authority to award sole source contracts to women-owned small businesses determined to be eligible under SBA’s Women-Owned Small Business program. No proposed rule was published for comment. [\[SBA’s final program rules were published 9/14/15.\]](#)
3. A final rule, effective 2/1/16, amending the FAR to add Montenegro and New Zealand as new designated countries under the World Trade Organization Government Procurement Agreement and to update the list of parties to the Agreement on Trade in Civil Aircraft. No proposed rule was published for comment. [\[A related DFARS final rule was published on 10/30/15.](#) The U.S. Trade Representative published a notice of this action on 7/10/15.]
4. A final rule, effective 1/1/16, amending the FAR to incorporate revised thresholds for application of the World Trade Organization Government Procurement Agreement and several Free Trade Agreements, as determined by the U.S. Trade Representative. In addition, the rule amends the FAR to make changes to the prescription and clauses relating to Child Labor—Cooperation with Authorities and Remedies, including adding coverage for commercial items. [\[A related DFARS final rule, effective 1/1/16, was published 12/30/15. The U.S. Trade Representative published a notice regarding thresholds on 12/15/15.\]](#)

Defense Federal Acquisition Regulation Supplement (DFARS)

Further Implementation of Trafficking In Persons Policy (1/29/15)

This final rule, effective 1/29/15, amends the DFARS to further implement DoD trafficking in persons policy and to supplement government-wide coverage in the FAR. A proposed rule was published 9/26/13; two respondents submitted comments and the proposed rule is converted to final without change.

Contractors Performing Private Security Functions (1/29/15)

This final rule, effective 1/29/15, amends the DFARS to address DoD-unique requirements for defense contractors performing private security functions outside the U.S. A proposed rule was published for comments on 6/24/14; no public comments were received and the proposed rule is converted to final with two changes to clarify terminology.

Updated Description of Product Service Groups Subject to Trade Agreements (1/29/15)

This final rule, effective 1/29/15, amends the DFARS to update the descriptions of federal supply groups subject to trade agreements to conform to the current federal procurement data systems’ product and services code manual. No proposed rule was published for comment.

Electronic Submission of Technical Reports (1/29/15)

This final rule, effective 1/29/15, amends the DFARS to require that scientific and technical reports be submitted in electronic format. A proposed rule was published 8/28/14; no comments were submitted and the proposed rule is converted to final without change.

Electronic Copies of Contractual Documents

A. Proposed Rule (1/29/15)

This proposed rule would amend the DFARS to state the policy that the Electronic Document Access (EDA) system is DoD's online repository and distribution tool for contract documents and contract data, require internal control procedures for contract document and data verification in EDA, and remove outdated language that is not consistent with electronic document processes.

B. Final Rule (9/30/15)

This final rule, effective 9/30/15, amends the DFARS to establish the Electronic Document Access (EDA) system as DoD's online repository and distribution tool for contract documents and contract data, requires internal control procedures for contract document and data verification in EDA, and removes outdated language that is not consistent with electronic document processes. No comments were received on the proposed rule and the proposed rule is converted to final with minor editorial changes.

Past Performance Information Retrieval System (PPIRS) – Statistical Reporting

A. Proposed Rule (1/29/15)

This proposed rule would amend the DFARS to require contracting officers to consider information in the Statistical Reporting module of PPIRS when evaluating past performance of offerors under competitive solicitations for supplies using simplified acquisition procedures.

B. Final Rule (5/26/15)

This final rule, effective 5/26/15, amends the DFARS to require contracting officers to consider information in the Statistical Reporting module of the Past Performance Information Retrieval System (PPIRS) when evaluating past performance of offerors under competitive solicitations for supplies using simplified acquisition procedures. One respondent submitted comments and the proposed rule is converted to final with minor editorial changes.

Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the U. S.

A. Proposed Rule (1/29/15)

This proposed rule would amend the DFARS to update the clause entitled "Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the U.S." to make minor changes, including removing "humanitarian assistance operations" because they are already covered and clarifying that contractors' personnel who are either "accompanying the force" or "not accompanying the force" must be provided information on offenses related to sexual assault.

B. Final Rule (8/26/15)

This final rule, effective 8/26/15, amends the DFARS to provide updates and clarifications regarding requirements for contractor personnel supporting U.S. Armed Forces Outside the U.S. No public comments were received and while no changes are made to the substance of the final rule, a final rule amending the DFARS was published 6/26/15 to align coverage with the FAR and this final rule is updated to reflect those baseline changes.

Deletion of Obsolete Text Relating to Commercial Items (2/26/15)

This final rule, effective 2/26/15, amends the DFARS to delete obsolete text relating to the acquisition of commercial items for a pilot program that expired. No proposed rule was published for comment.

Domestic Source Restrictions on Certain Naval Vessel Components (2/26/15)

This final rule, effective 2/26/15, amends the DFARS to implement the statutory domestic source restrictions on acquisition of certain naval vessel components. A proposed rule was published 9/19/14; one respondent submitted comments and the proposed rule is converted to final without change.

Acquisition of the American Flag

A. Proposed Rule (2/26/15)

This proposed rule would amend the DFARS to implement sections of the FY14 and FY15 DoD Appropriations Acts that prohibit the use of funds made available for the purchase or manufacture of a U.S. flag unless that flag is manufactured in the U.S.

B. Final Rule (8/26/15)

This final rule, effective 8/26/15, amends the DFARS to prohibit the use of funds made available for the purchase or manufacturer of a U.S. flag unless the flag is manufactured in the U.S. Two respondents submitted comments and the proposed rule is converted to final without change.

Use of Military Construction Funds

A. Interim Rule (3/26/15)

This interim rule, effective 3/26/15, amends the DFARS to implement sections of the FY15 Military Construction and Veterans Affairs and Related Agencies Appropriations Act that require offerors bidding on DoD military construction contracts to provide opportunities for competition to American steel producers, fabricators and manufacturers and restricts use of military construction funds in certain foreign countries, including countries that border the Arabian Gulf.

B. Final Rule (8/26/15)

This final rule, effective 8/26/15, amends the DFARS to require offerors bidding on DoD military construction contracts to provide opportunity for competition to American steel producers and restricts the use of military construction funds in certain foreign countries. No comments were received on the interim rule and the interim rule is converted to final without change.

Deletion of Text Implementing 10 U.S.C. 2323 (3/26/15)

This final rule, effective 3/26/15, amends the DFARS to remove language based on a statute that provided the underlying authority for the DoD Small Disadvantaged Business (SDB) program. Since the statute has expired, the language is no longer necessary or appropriate. An interim rule was published 10/14/14; there were no public comments submitted and the interim rule is converted to a final rule without change.

Eliminate Data Collection Requirement

A. Final Rule (4/6/15)

This final rule, effective 4/6/15, amends the DFARS to delete a reference to text that was previously removed from the DFARS Procedures, Guidance and Information (PGI).

B. Final Rule (11/20/15)

This final rule, effective 11/20/15, further amends the DFARS to eliminate the requirement for military departments and defense agencies to collect and report relevant data on award and incentive fees paid to contractors. On 4/6/15, DoD removed the DFARS requirement to follow the reporting requirements in the DFARS PGI; this rule removes the remaining statement about the statutory requirement. No proposed rule was published for comment.

Uniform Procurement Identification (5/26/15)

This proposed rule would amend the DFARS to comply with the uniform procurement identification procedures implemented through a final FAR rule amending FAR 4.16 published 11/13/14.

Advancing Small Business Growth (5/26/15)

This final rule, effective 5/26/15, amends the DFARS to clarify that entering into a contract award may cause a small business to eventually exceed the applicable small business size standard. This clarification is required by Section 1611 of the FY14 NDAA. A proposed rule was published 11/6/14; no public comments were received and the proposed rule is converted to final with minor editorial changes.

Approval Threshold for Time-and-Materials and Labor-Hour Contracts (5/26/15)

This final rule, effective 5/26/15, amends the DFARS to establish the level of approval required for a determination and finding for Time-and-Materials and Labor-Hour contracts, or portions of contracts, exceeding \$1 million. No proposed rule was published for comment because it pertains to requirements for internal documentation within DoD.

Multiyear Contracts – Statutory References and Cancellation Ceiling Threshold (5/26/15)

This final rule, effective 5/26/15, amends the DFARS to update the cancellation ceiling threshold for multiyear contracts and to correct a statutory reference. A proposed rule was published for comment 9/19/14. No comments were received and the proposed rule is converted to final with minor editorial changes.

Appendix F—Energy Receiving Reports (5/26/15)

This final rule, effective 5/26/15, amends the DFARS to identify the Wide Area WorkFlow Energy Receiving Report as the electronic equivalent of the DD Form 250 Material Inspection and Receiving Report for overland shipments and for certain waterborne shipments.

Photovoltaic Devices from the U.S. (5/26/15)

This proposed rule would amend the DFARS to implement Section 858 of the FY15 NDAA that revises the restrictions relating to utilization of domestic photovoltaic devices.

Transporter Proof of Delivery (5/29/15)

This proposed rule would amend the DFARS to establish a clause allowing the Government to require that contractors provide Transporter Proof of Delivery (TPD) when requested. A TPD is a commercial document that is generated by the contractor or the contractor's transporter of supplies and is signed by the Government customer in order to document delivery of supplies under a contract or order.

Offset Costs (6/2/15)

This interim rule, effective 6/2/15, amends the DFARS to clarify requirements related to costs associated with indirect offsets under Foreign Military Sales (FMS) agreements. Under this rule, when the provision

of an indirect offset is a condition of an FMS acquisition, and provided that the U.S. defense contractor submits to the contracting officer an offset agreement or other substantiating documentation, the indirect offset costs are deemed reasonable for purposes of FAR Part 31.

Contract Cost Principles and Procedures – IR&D (6/16/15)

This final rule, effective 6/16/15, amends the DFARS to reinstate two paragraphs in the cost principles relating to Independent Research and Development (IR&D). No proposed rule was published for comment.

Service Contracting (6/16/15)

This final rule, effective 6/15/15, amends the DFARS to add a definition of “senior mentor.” No proposed rule was published for comment.

Allowability of Legal Costs for Whistleblower Proceedings (6/26/15)

This final rule, effective 6/26/15, amends the DFARS to implement portions of Section 827 of the fiscal year 2013 NDAA that addresses the allowability of legal costs incurred by a contractor related to whistleblower proceedings. An interim rule was published 9/30/13; no comments were received on the interim rule and the interim rule is converted to final without change.

Clauses with Alternates – Prescriptions and Clause Prefaces (6/26/15)

This final rule, effective 6/26/15, amends the DFARS to clarify prescriptions and clause prefaces for clauses with alternates. The rule does not change the text of any basic or alternate clause and does not change the requirement for use of any clause. No proposed rule was published for comment.

Defense Contractors Outside the United States – Subpart Relocation (6/26/15)

This final rule, effective 6/26/15, amends the DFARS to relocate the text of a DFARS Subpart in order to conform to the FAR and to make minor related editorial revisions. No proposed rule was published for comment.

Inflation Adjustment of Acquisition-Related Thresholds (6/26/15)

This final rule, effective 10/1/15, amends the DFARS to implement the inflation adjustment of acquisition-related dollar thresholds. A proposed rule was published 11/6/14; no comments were received on the proposed rule and the proposed rule is converted to final with minor changes because some of the inflation adjustments are lower than proposed due to lower inflation than was projected at the time the proposed rule was published. A partial withdrawal of one acquisition threshold, effective 10/1/15, was published 8/3/15.

Evaluating Price Reasonableness for Commercial Items (8/3/15)

This proposed rule would amend the DFARS to implement provisions of Section 831 of the FY13 NDAA that requires the issuance of guidance on the use of the authority to require the submission of “other than cost or pricing data.”

Network Penetration Reporting and Contracting for Cloud Services

A. Interim Rule (8/26/15)

This interim rule, effective 8/26/15, amends the DFARS to require contractors and subcontractors to report cyber incidents that result in an actual or potentially adverse effect on a covered contractor information system or covered defense information residing therein, or on a contractor’s ability to provide operationally critical support. DoD is working on a single reporting mechanism for DoD

contractor reporting of cyber incidents on unclassified systems and this rule is intended to streamline the reporting process. A public meeting was held 12/14/15 and a second interim rule was published 12/30/15.

B. Further Interim Rule (12/30/15)

This second interim rule, effective 12/30/15, amends the DFARS to, among other changes, provide contractors with additional time to implement the security requirements specified by a National Institute of Standards and Technology Special Publication 800-171, which will now be required to be in place no later than 12/31/17. This second interim rule also clarifies provisions related to subcontractor flow down. No proposed rule was published for comment but changes to this second interim rule stem from public comments received on the 8/26/15 interim rule and a public meeting held 12/14/15.

Item Unique Identification Prescription Correction (8/26/15)

This final rule, effective 8/26/15, amends the DFARS to correct the prescription for the clause. One of the prescriptions was inadvertently omitted from the final rule on 12/16/13. No proposed rule was published for comment.

Contracts or Delivery Orders Issued by Non-DoD Agency (8/26/15)

This final rule, effective 8/26/15, amends the DFARS to remove duplicative text relating to contracts or delivery orders issued by a non-DoD agency and relocate remaining text to conform to the FAR. No proposed rule was published for comment.

Describing Agency Needs (9/18/15)

This notice corrects a contract clause relating to solicitations and contracts for systems acquisition programs issued on 10/1/14. No proposed rule was published for comment.

Contracting by Negotiation (9/18/15)

This notice corrects a provision relating to contracting by negotiation issued on 10/1/14. No proposed rule was published for comment.

Service Contracting (9/18/15)

This notice reinstates a provision relating to the prohibition on contracting for firefighting or security-guard functions issued on 10/1/14. No proposed rule was published for comment.

Detection and Avoidance of Counterfeit Electronic Parts – Further Implementation (9/21/15)

This proposed rule would amend the DFARS to further implement requirements in the FY12 and FY15 NDAs that address required sources of electronic parts for defense contractors and subcontractors.

Clauses with Alternatives – Small Business Programs (9/30/15)

This proposed rule would amend the DFARS to clarify clauses and their prescriptions for small business programs and to create a basic and alternate clause structured in a manner to facilitate use of automated contract writing systems.

Warranty Tracking of Serialized Items (9/30/15)

This proposed rule would amend the DFARS to require use of the electronic contract attachments accessible via the Product Deficiency Reporting and Evaluation Program to record and track warranty data and source of repair information for serialized items.

Contract Debts (9/30/15)

This final rule, effective 9/30/15, amends the DFARS relating to contract debts to conform to the comparable FAR provisions. No substantive changes are made to the provision. The rule was not published for comment because it affects only DoD internal operations.

Defense Industrial Base Cybersecurity Activities (10/2/15)

This interim rule, effective 10/2/15, amends the DFARS to mandate reporting of cyber incidents that result in an actual or potentially adverse effect on a covered contractor information system or covered defense information residing therein, or on a contractor's ability to provide operationally critical support, and modifies eligibility criteria to permit greater participation in the voluntary DoD-Defense Industrial Base cybersecurity information sharing program. No proposed rule was published for comment.

Requirements Relating to Supply Chain Risk (10/30/15)

This final rule, effective 10/30/15, amends the DFARS to implement provisions of the FY11 and FY13 NDAA's to allow DoD to consider the impact of supply chain risk in specified types of procurements related to national security systems. An interim rule was published 11/18/13. Eight comments were received on the interim rule and the interim rule is converted to final with changes.

Removal of Cuba from List of State Sponsors of Terrorism (10/30/15)

This final rule, effective 10/30/15, amends the DFARS to remove Cuba from the list of "state sponsor of terrorism" in two DFARS clauses, implementing the 5/29/15 action by the Department of State. No proposed rule was published for comment. A technical correction was published 11/19/15.

New Designated Countries – Montenegro and New Zealand (10/30/15)

This final rule, effective 10/30/15, amends the DFARS to add Montenegro and New Zealand as newly designated countries under the World Trade Organization Government Procurement Agreement. No proposed rule was published for comment. [[A FAR final rule making these changes was published 12/31/15, effective 2/1/16.](#)]

Promoting Voluntary Post-Award Disclosure of Defective Pricing (11/20/15)

This proposed rule would amend the DFARS to stipulate that DoD contracting officers shall request a limited-scope audit unless a full-scope audit is appropriate for the circumstances in the interest of promoting voluntary contractor disclosure of defective pricing identified by the contractor after award.

Extension and Modification of Contract Authority for Advanced Component Development (11/20/15)

This proposed rule would amend the DFARS to implement Section 811 of the FY15 NDAA which extended and modified the contract authority for advanced component development and prototype units by adding "initial production" to the text to allow for the inclusion of a line item to go to initial production without further competition.

Buy American and Balance of Payments Program – Clause Prescription (11/20/15)

This proposed rule would amend the DFARS to clarify how the clause prescription addresses applicability when the Buy American statute or Balance of Payments program applies.

Duty-Free Entry Threshold (11/20/15)

This proposed rule would amend the DFARS to update the threshold for duty-free entry on foreign supplies that are not qualifying country supplies or eligible foreign supplies.

Long-Haul Telecommunications (11/20/15)

This proposed rule would amend the DFARS to add a definition of “long-haul telecommunications” and to identify DISA as the sole procurement activity for long-haul telecommunications, as provided for in DoD directives.

Contract Term Limit for Shared Energy Savings Contract Services (11/20/15)

This proposed rule would amend the DFARS to clarify that the contract term for shared energy saving contract services is not to exceed 25 years.

Taxes – Foreign Contracts in Afghanistan (12/30/15)

This final rule, effective 12/30/15, amends the DFARS to notify contractors of the requirements relating to Afghanistan taxes for contracts performed in Afghanistan. Among other changes, it requires the contractor to exclude any Afghan taxes, customs, duties, fees or similar charges from the contract price, other than those charged to Afghan legal entities or residents. A proposed rule was published 6/24/14; three respondents submitted comments and the proposed rule is converted to final with changes.

Multiyear Contract Requirements (12/30/15)

This proposed rule would amend the DFARS to implement section 816 of the FY15 NDAA and section 8010 of the FY15 Defense Appropriations Act to address various changes relating to multiyear contracts.

Trade Agreements Thresholds (12/30/15)

This final rule, effective 1/1/16, amends the DFARS to incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and various Free Trade Agreements, as determined by the U.S. Trade Representative on 12/15/15. No proposed rule was published for comment. [\[A final rule, effective 1/1/16, amends the FAR to make these changes and was published on 12/31/15 as part of FAC 2005-86. The U.S. Trade Representative published a notice regarding thresholds on 12/15/15.\]](#)

Defense Contractors Performing Private Security Functions (12/30/15)

This proposed rule would amend the DFARS to consolidate requirements that are applicable to DoD contracts for private security functions performed in designated areas outside the United States, make changes regarding applicability, and revise applicable quality assurance standards. A correction was published 12/13/16. [\[A related FAR proposed rule was published 5/27/15.\]](#)

Department of the Army

Carrying Firearms and Use of Force for Law Enforcement, Security, Counterintelligence and Protective Services (12/11/15)

This proposed rule would amend the DoD regulations concerning the carrying of firearms and use of force for law enforcement, security, counterintelligence and protective services on DoD installations worldwide. It establishes uniform policy for the use of force by law enforcement and security personnel.

Department of Agriculture

Guidelines for Designating Biobased Products for Federal Procurement (6/15/15)

This final rule, effective 7/15/15, amends the USDA regulations concerning Guidelines for Designating Biobased Products for Federal Procurement to incorporate statutory changes made by the Agricultural Act of 2014. A proposed rule was published in 2014; ten comments were received and the proposed rule is converted to final without change.

Voluntary Labeling Program for Biobased Products (6/15/15)

This final rule, effective 7/15/15, amends the regulations concerning the Voluntary Labeling Program for Biobased Products to incorporate statutory changes made by the Agricultural Act of 2014. A proposed rule was published in 2014; eight comments were received on the proposed rule and it is converted to final with changes.

Department of Commerce

Commerce Acquisition Regulation: Waiver of Bond Requirement for Certain NOAA Contracts (5/13/15)

This interim rule provides procedures for waiving performance and payment bonds required under law associated with contracts for the repair, alteration and construction of NOAA's fleet of research and survey vessels. The provision implements Section 111 of the FY15 Department of Commerce Appropriations Act.

Revision to Export Administration Regulations: Intrusion and Surveillance Items (5/20/15)

This proposed rule would implement the Wassenaar Arrangement with regard to systems, equipment or components specially designed for the generation, operation or delivery of, or communications with, intrusion software, software specially designed or modified for cybersecurity related items, but not to the intrusion software itself.

Revision to Definitions in the Export Administration Regulations (6/3/15)

This proposed rule would amend the Export Administration Regulation (EAR) to include new definitions to enhance clarity and ensure consistency with the International Traffick in Arms Regulations (ITAR) administered by the Department of State.

U.S. Industrial Base Surveys Pursuant to Defense Production Act

A. Proposed Rule (3/3/15)

This proposed rule sets the policies and procedures of the Commerce Department's Bureau of Industry and Security for conducting surveys to obtain information in order to perform industry studies assessing the U.S. industrial base to support the national defense.

B. Final Rule (7/14/15)

This final rule, effective 8/14/15, sets the policies and procedures of the Commerce Department's Bureau of Industry and Security for conducting surveys to obtain information in order to perform industry studies assessing the U.S. industrial base to support the national defense. Two comments were received on the proposed rule and the proposed rule is converted to final without substantive change.

Export Administration Regulations: Removal of Special Comprehensive License Provisions (8/26/15)

This final rule, effective 9/25/15, removes the special comprehensive license (SCL) authorization because Commerce concludes that it has outlived its usefulness to the exporting public since recent changes permit exporters to achieve the same results without the need for the more onerous SCLs. A proposed rule was published 9/30/14. Three comments were received on the proposed rule and the proposed rule is converted to final with minor changes. A correction, effective 11/16/15, was published 11/16/15.

Updated Legal Authority for the EAR (9/2/15)

This final rule, effective 9/2/15, updates the legal authority for the Export Administration Regulations (EAR) to cite the most recent presidential notices. The rule does not alter any right, obligation or prohibition that applies to any person. No proposed rule was published for comment.

NOAA: Establish Single Size Standard for Commercial Fishing Businesses (9/18/15)

This proposed rule would establish a small business size standard for all businesses in the commercial fishing industry (NAICS 14111) for Regulatory Flexibility Act compliance purposes only, in lieu of the four specific SBA size standards for this industry to simplify the “Reg Flex” analysis.

Export Control Reform: Change to Defense Sales Offset Reporting Requirements (12/2/15)

This proposed rule would require reporting of offset agreements in connection with the sale of items controlled in “600 series” export control classification numbers on the Commerce Control List, with certain exceptions. Since the 1990s the Bureau of Industry and Security (BIS) has required reporting of offset agreements for items on the “Munitions” list and those requirements are unchanged in this rule.

Department of Energy

Assistance to Foreign Atomic Energy Activities (2/23/15)

This final rule, effective 3/25/15, amends the DoE regulations to provide the first comprehensive update of regulations concerning Assistance to Foreign Atomic Energy Activities since 1986. A first proposed rule was published 9/7/11 and a supplemental notice was published 8/2/13. Numerous comments were submitted on the proposed rule and the proposed rule is converted to final with minimal changes.

Acquisition Regulation: Technical and Administrative Changes (3/24/15)

This final rule, effective 4/23/15, amends the DEAR to make minor technical and administrative changes. The rule does not alter substantive rights or obligations. No proposed rule was published for comment.

Administrative Requirements for Grants and Cooperative Agreements (9/3/15)

This final rule, effective 10/5/15, amends the administrative requirements for grants and cooperative agreements with for-profit organizations. A proposed rule was published 5/15/14. No comments were received on the proposed rule and the proposed rule is converted to final with technical changes.

Export Control (10/23/15)

This final rule, effective 11/23/15, amends the DEAR to add clauses regarding applicable export control requirements for DoE contracts. The rule recognizes contractor responsibility to comply with all applicable export control laws and regulations in the performance of DoE contracts and prescribes export clauses to address these responsibilities. A proposed rule was published 6/12/13; fifteen organizations submitted comments and the proposed rule is converted to final with changes.

Department of Health and Human Services

HHS Acquisition Regulation

A. Proposed Rule (3/2/15)

HHS is proposing to amend the HHS Acquisition Regulation (HHSAR) to update it to current FAR requirements, remove information that consists of material that is internal, administrative or procedural in nature, and delete outdated material. The last comprehensive revision was published 11/27/09, with a correction published 4/26/10.

B. Final Rule (11/18/15)

This final rule, effective 12/18/15, amends the HHSAR to update its regulations to conform to current FAR requirements, remove information that consists of material that is internal, administrative or procedural in nature, and delete outdated material. Several comments were received and the proposed rule is converted to final with changes.

Health Resources Priority and Allocations System (HRPAS) (7/17/15)

This interim rule, effective 7/17/15, amends the HHS regulations to create the HHS HRPAS and establishes standards and procedures by which HHS may require that certain contracts or orders that promote the national defense be given priority over other contracts or orders. It also sets new standards and procedures by which HHS may allocate materials, services and facilities to promote the national defense. These provisions are consistent with the federal priorities and allocation system regulations issued by other agencies.

Department of Housing and Urban Development

Amendments to HUDAR (5/28/15)

This proposed rule would amend the HUD Acquisition Regulation (HUDAR) to implement miscellaneous changes to the HUDAR.

Department of Labor

Office of Federal Contracts Compliance Programs (OFCCP): Discrimination on the Basis of Sex (1/30/15)

This proposed rule would amend the OFCCP regulations and consolidate, update and clearly and accurately state the existing principles regarding requirements that covered federal contractors and subcontractors and federally-assisted construction contractors and subcontractors must ensure non-discrimination on the basis of sex and take affirmative action to ensure that applicants are treated during employment without regard to their sex.

Guidance for Executive Order 13673, "Fair Pay and Safe Workplaces" (5/28/15)

This proposed guidance is issued to assist federal agencies in the implementation of Executive Order 13673 and is a companion to the FAR proposed rule issued this date (above).

Defining and Delimiting the Exemptions for Executives, Professionals and Others (7/6/15)

This proposed rule would update the salary level to ensure that the Fair Labor Standards Act (FLSA) intended overtime protections are fully implemented and to simplify the identification of non-exempt employees. The rule also proposes to automatically update the salary level to prevent the level from

becoming outdated between rulemakings. The rule also requests comments on whether revisions to the “duties” tests are necessary to ensure that these tests fully reflect the purpose of the exemption.

Establishing Minimum Wage for Contractors – Rate Change for 2016 (9/16/15)

The Wage and Hour Division provides this notice to announce the applicable minimum wage rate to be paid to workers performing work on or in connection with federal contracts covered by Executive Order 13658, beginning 1/1/16. Thus, the \$10.10 minimum wage is increased to \$10.15 per hour. A correction was published on 9/25/15 that included the mandatory poster contractors must display.

Department of State

Acquisition Regulation (2/9/15)

This final rule, effective 2/9/15, makes needed editorial changes and updates procedures and terminology in the Department of State Acquisition Regulation (DOSAR) and aligns the DOSAR with changes to the FAR. No proposed rule was published for comment.

ITAR: Revisions to Destination Control Statement (5/22/15)

The proposed rule would amend the ITAR to clarify regulations pertaining to the export of items subject to the Export Administration Regulation (EAR); revise the licensing exemption for exports made on behalf of the U.S. government; revise the destination control statement to harmonize the language with the EAR; and make other changes for clarity.

ITAR: Registration and Licensing of U.S. Persons Employed by Foreign Persons (5/26/15)

This proposed rule would amend the ITAR to clarify requirements for the licensing and registration of U.S. persons providing defense services while in the employ of foreign persons.

ITAR: Revisions to Definitions of Defense Services and Related Definitions (6/3/15)

This proposed rule would amend the ITAR to clarify the scope of activities and information that are covered within these definitions and harmonize the definitions with the EAR to the extent appropriate. This proposed rule would also allow for the electronic storage of unclassified “technical data” abroad, provided that the data is secured to prevent access by parties unauthorized to receive the data.

Program Fraud Civil Remedies (8/17/15)

This final rule, effective 8/17/15, updates the State Department regulations regarding implementation of the Program Fraud Civil Remedies Act to remove a conflict between the “reviewing official” and the “authority head” as defined in the regulations. No proposed rule was published for comment.

Department of Treasury

Internal Revenue Service: Tax on Certain Foreign Procurements (4/22/15)

This proposed rule would amend the IRS tax regulations relating to the 2 percent tax on payments made by the U.S. Government to foreign persons pursuant to certain contracts. The rule implements the 2011 James Zadroga 9/11 Health and Compensation Act of 2010. A correction was published 7/9/15.

Prompt Payment Interest Rate

A. Notice (7/9/15)

This notice sets the Prompt Payment interest rate for the period 7/1/15 through 12/31/15 at 2-3/8th percent per year.

B. Notice (12/31/15)

This notice sets the Prompt Payment interest rate for the period 1/1/16 through 6/30/16 at 2-1/2 percent per year.

Cyber-Related Sanctions Regulations (12/31/15)

This final rule, effective 12/31/15, amends the Office of Foreign Assets Control (OFAC) regulations to implement in abbreviated form immediate guidance regarding Executive Order 13694 (4/2/15) establishing the Cyber-Related Sanctions Regulations. No proposed rule was published for comment.

Department of Veterans Affairs

VA Acquisition Regulation: Service-Disabled Veteran-Owned and Veteran-Owned Status Protests (3/10/15)

This final rule, effective 3/10/15, amends the VAAR to implement a portion of the Veterans Benefits, Health Care and Information Technology Act of 2006, which requires the VA to verify ownership and control of veteran-owned small businesses, including service-disabled veteran-owned small businesses, in order to participate in the VA acquisition set-aside program.

Veteran-Owned Small Business (VOSB) Verification Guidelines (11/6/15)

This proposed rule would amend the VA's VOSB verification program to provide a balance between preventing fraud in the VA's Veterans' First Contracting Program and providing a process that would make it easier for more VOSB's to become verified. An advance notice of proposed rulemaking was published 7/12/13.

Federal Deposit Insurance Corporation

Nondiscrimination of Disability Minority and Women Outreach Program Contracting (10/16/15)

This final rule, effective 10/16/15, updates the FDIC regulations to change the name of the Office of Diversity and Economic Opportunity to the Office of Minority and Women Inclusion. No other changes are made to the program regulations.

Environmental Protection Agency

Environmental, Conservation, Occupational Safety, and Drug-Free Workplace (1/27/15)

This direct final rule, effective 3/30/15, amends the EPA Acquisition Regulation (EPAAR) to address minor non-substantive changes in three clauses and two related prescriptions. No proposed rule was published for comment.

EPA Acquisition Regulation: Clause for Level of Effort – Cost Reimbursement Contract (4/10/15)

This proposed rule would amend the EPAAR to update policy, procedures, and contract clauses related to level of effort – cost reimbursement contracts.

EPA Acquisition Regulation: Source Selection and Payment (4/15/15)

This direct final rule, effective 6/15/15, amends the EPAAR to remove source selection guidance and clauses that are not consistent with current EPA internal operating procedures for source selection. In

addition, EPA is deleting a clause for “payments – fixed rate services contracts” because it is inconsistent with the FAR.

Describing Agency Needs (5/26/15)

This direct final rule, effective 7/27/15, amends the EPAAR to address administrative and minor non-substantive changes to four clauses. No proposed rule was published for comment but if adverse comments are received on this rule EPA will withdraw the rule.

EPA Acquisition Regulation: Ratification of Unauthorized Commitments (12/7/15)

This direct final rule, effective 2/5/16, amends the EPA Acquisition Regulation to update approval authorities and levels, remove outdated procedures and make minor editorial changes. It also modifies the definition of “Chief of the Contracting Office.” No proposed rule was published for comment.

General Services Administration

Definitions in GSAR Part 502 (1/13/15)

This final rule, effective 1/13/15, amends the GSA Acquisition Regulation (GSAR) to move the definitions of words and terms that pertain to internal operations only from the regulatory text to the non-regulatory GSA Acquisition Manual. No proposed rule was published for comment.

Unique Item Identification (2/4/15)

This proposed rule would amend the GSAR to remove the GSAR clause “unique item identification” and provide other conforming changes because the clause, which only applied to delivery to military activities, duplicates an existing DFARS clause.

Rewrite of GSAR Part 536, Construction and Architect-Engineering Contracts – Withdrawal (2/9/15)

This notice withdraws the proposed rule published on 12/2/14 that would have updated text relating GSAR Part 536 to maintain consistency with the FAR.

Unique Item Identification

A. Proposed Rule (2/14/15)

This proposed rule would amend the GSAR to remove the GSAR clause titled “Unique Item Identification.”

B. Final Rule (5/20/15)

This final rule, effective 5/20/15, removes the GSAR clause titled “Unique Item Identification.” A proposed rule was published 2/14/15. No comments were received on the proposed rule and the proposed rule is converted to final without change.

Environmental, Conservation, Occupational Safety and Drug-Free Workplace

A. Proposed Rule (2/17/15)

This proposed rule would amend the GSAR to update the text and clauses regarding hazardous materials identification and material safety data. This is a second proposed rule; a proposed rule was published 3/20/09 but is republished due to the length of time since the original publication and intervening changes to the GSAR.

B. Final Rule (6/24/15)

This final rule, effective 6/24/15, amends the GSAR to update text and clauses regarding hazardous material identification and material safety data. No public comments were received on the proposed rule and the proposed rule is converted to final with one change to clarify that the clause is only required in solicitations and contracts for packaged items containing hazardous materials.

Transactional Data Reporting (3/4/15)

This proposed rule would amend the GSAR to include clauses that would require vendors to report transactional data from orders and prices paid by ordering activities. For Federal Supply Schedule contracts, the requirement would be introduced in phases, beginning with a pilot for select products and services. The new clause will be paired with changes to the Basis of Award monitoring requirements of the existing Price Reduction Clause for participating Schedules contracts. This rule does not apply to the Department of Veterans Affairs' Schedules contract holders.

Notice of Class Deviation Addressing Commercial Supplier Agreement Terms Inconsistent with Federal Law (3/20/15)

This request for information solicits feedback on a proposed GSA class deviation to the FAR to address fifteen common Commercial Supplier Agreement terms that are inconsistent with or create ambiguity with federal law. [Note: after receipt of comments, on 7/31/15, GSA issued the class deviation covering all fifteen items. No explanation was published addressing the public comments.]

FPDS Product Service Code Manual Update (5/28/15)

This notice announces that the Product and Service Codes (PSC) Manual, which provides codes to describe the products, services and research and development purchased by the government, is being updated. The revised manual is effective 10/1/15.

Special Contracting Methods (6/15/15)

This proposed rule would amend the GSAR to revise requirements for special contracting methods and updated eliminating out-of-date references and reorganizes the text to align with the FAR. An initial proposed rule was published 6/6/08.

Removal of Unnecessary Construction Clauses and Editorial Changes (7/30/15)

This proposed rule would amend the GSAR coverage on construction and architect-engineer contracts, including provisions and clauses for solicitations and resultant contracts, to remove unnecessary regulations because they are covered by the FAR or are no longer necessary.

NASA

Contractor Whistleblower Protection (3/2/15)

This final rule, effective 4/1/15, amends the NASA FAR Supplement (NFS) to implement contractor whistleblower protections. An interim rule for contractor employees performing under contract to NASA was published 7/29/14, implementing Section 846 of the FY08 NDAA and Section 827 of the FY13 NDAA. A technical correction to the interim rule was published 8/29/14. No comments were received on the interim rule and the interim rule is converted to final without change.

Streamlining (3/12/15)

This final rule, effective 4/13/15, amends the NFS to eliminate unnecessary regulations, streamline overly-burdensome regulations, clarify language and simplify procedures where possible. Two proposed rules were published for comment on 4/18/13 and 9/24/14; three respondents submitted comments on the first rule and one submitted comments on the second rule, and the proposed rules are converted to final with changes. On 7/21/15, an amendment to the final rule, effective 7/21/15, corrects the final rule by reinstating sections relating to access and release of sensitive information in the performance of advisory and assistance services inadvertently removed by the initial final rule. A correcting amendment to the final rule to reinstate text inadvertently removed by the earlier rule, including provisions relating to access and release of sensitive information in the performance of advisory and assistance services, was published 7/21/15. A correction was published 8/19/15 to add the effective date for the affected clauses and makes other minor editorial changes. Additional technical corrections were published 10/15/15, 11/6/15 and 1/21/16.

Regulatory Review #3

A. Proposed Rule (4/7/15)

This proposed rule is the third and final in a series and includes updates and revisions to ten parts of the NFS.

B. Final Rule (6/26/15)

This final rule, effective 7/27/15, amends the NFS to eliminate unnecessary regulation, streamline requirements, clarify language and simplify processes. No comments were received on the proposed rule and the proposed rule is converted to final without change. This rule is the third and final increment in the revisions and completes the 2015 update of the NFS. A technical change was published 10/15/15.

Drug- and Alcohol-Free Workforce and Mission Critical Systems Personnel Reliability Program

A. Proposed Rule (5/8/15)

This proposed rule would amend the NFS to remove requirements related to the discontinued Space Flight Mission Critical Systems Personnel Reliability Program and to revise requirements related to contractor drug and alcohol testing.

B. Final Rule (10/7/15)

This final rule, effective 11/6/15, amends the NFS to remove requirements related to the discontinued Space Flight Mission Critical System Personnel Reliability Program and to revise requirements relating to contractor drug and alcohol testing. One comment was received and the proposed rule is converted to final with one minor change.

Denied Access to NASA Facilities

A. Proposed Rule (5/13/15)

This proposed rule would amend the NFS to delete the observance of legal holidays clause with its alternatives and replace it with a new clause that prescribes conditions and procedures pertaining to the closure of NASA facilities. Unless a contractor is denied access to a NASA facility, contractors are expected to perform in accordance with their contractual requirements.

B. Final Rule (9/1/15)

This final rule, effective 10/1/15, amends the NFS to delete the observance of legal holidays clause with its alternates and replace it with a new clause that prescribes conditions and procedures pertaining to the closure of NASA facilities. One comment was received and the proposed rule was converted to final without change.

Safety and Health Measures and Mishap Reporting

A. Proposed Rule (8/12/15)

This proposed rule would amend the NFS to revise a current clause related to safety and health measures and mishap reporting by narrowing the application of the clause, resulting in a decrease in the reporting burden on contractors while reinforcing the measures contractors at NASA facilities must take to protect the safety of their workers.

B. Final Rule (11/25/15)

This final rule, effective 12/28/15, amends the NFS to revise a current clause related to safety and health measures and mishap reporting by narrowing the application of the clause. No comments were received on the proposed rule and the proposed rule is converted to final with minor changes.

NASA Capitalization Threshold

A. Interim Rule (8/27/15)

This interim rule, effective 8/27/15, amends the NFS to increase the capitalization threshold from \$100,000 to \$500,000.

B. Final Rule (11/25/15)

This final rule, effective 11/25/15, amends the NFS to increase the NASA capitalization threshold from \$100,000 to \$500,000. There were no public comments on the interim rule and the interim rule is converted to final without change.

Uniform Administrative Requirements for Grants – Cost Principles & Audit Requirements (9/11/15)

This final rule, effective 10/13/15, amends the NASA regulations to implement regulations for uniform administrative requirements, cost principles and audit requirements for federal awards. An interim rule was published 12/19/14. No public comments were received on the interim rule.

National Archives and Records Administration

Controlled Unclassified Information (5/8/15)

This proposed rule would establish policy for agencies on designating, safeguarding, disseminating, marking, decontrolling, and disposing of controlled unclassified information (CUI), self-inspection and oversight requirements and other facets of the program.

Nuclear Regulatory Commission

Cyber Security Event Notification (11/2/15)

This final rule, effective 12/2/15, adopts new cyber security regulations that govern nuclear power reactor licensees. It codifies certain reporting activities contained in security advisories issued by the NRC and establishes new cyber security event notification requirements. A proposed rule was published 2/3/11; fourteen comments were received on the proposed rule and the rule is converted to final with changes.

Office of Management and Budget

Guidance for Reporting and Use of Grant Recipient Integrity and Performance (7/22/15)

This final guidance, effective 1/1/16, implements Section 872 of the FY09 NDAA as that statute applies to grants. This guidance implements requirements for recipients and federal awarding agencies to report information that will appear in the OMB-designated integrity and performance system and for federal agencies to consider information the system contains about a non-federal entity before awarding a grant to that non-federal entity. Correcting amendments were published 11/9/15.

North American Industry Classification System (NAICS) 2017 Updates (8/4/15)

OMB is seeking comments on the advisability of adopting 2017 updates to the North American Industry Classification System (NAICS) to clarify existing industry definitions and content, recognize new and emerging industries, and correct errors and omissions.

Universal Identifier for Grants: Correction (9/10/15)

This notice, effective 9/10/15, amends the final guidance on grants published 12/26/13 to make technical corrections.

Category Management: Improving the Acquisition and Management of Common Information Technology – Software Licensing (12/22/15)

OMB is seeking public comment on a draft memorandum regarding software licensing acquisitions. This new policy seeks to improve the management and acquisition of commonly-purchased enterprise software. The policy also addresses the implementation of the government-wide software purchasing program in FITARA. It establishes policies to reduce redundancy, increase accountability of agency officials, and promote best in class software agreements across the federal government.

Office of Special Counsel

Revision of Regulations to Allow Federal Contractors, Subcontractors, and Grantees to File Whistleblower Disclosures with the Office of Special Counsel

A. Proposed Rule (1/22/15)

This proposed rule would revise the regulations of the Office of Special Counsel to accept covered disclosures, for which OSC has jurisdiction to accept such disclosures, of wrongdoing within the federal government from employees working under a federal contract or grant.

B. Withdrawal (12/30/15)

This notice withdraws the proposed rule. Sixteen comments were received on the proposed rule that raised substantive issues.

Small Business Administration

Small Business Programs (2/5/15)

This proposed rule would amend the SBA regulations to implement provisions of the 2010 Small Business Jobs Act and the FY13 NDAA. It would (1) establish a government-wide mentor-protégé program for all small business concerns; (2) amend the current joint venture provisions to clarify the conditions for creating and operating joint venture partnerships; (3) make additional changes to the current size, 8(a) and Office of Hearings and Appeals or HUBZone regulations concerning ownership and control, changes in primary industries, standards of review, and interested party status for some appeals.

Advisory Small Business Size Decisions (2/11/15)

This final rule, effective 8/10/15, implements statutory provisions establishing limitations of liability from fraud penalties for individuals or firms that misrepresent business concerns as being small for purposes of federal procurement opportunities if they acted in good faith reliance on small business status advisory opinions received from certain approved third parties. A proposed rule was published 6/25/14; sixteen comments were received and the proposed rule is converted to final with changes.

Women-Owned Small Business Federal Contract Program

A. Proposed Rule (5/1/15)

This proposed rule would amend the SBA procurement regulations to implement Section 825 of the FY15 NDAA that grants contracting officers the authority to award sole source contracts to women-owned small businesses and economically-disadvantaged women-owned small businesses. In addition, SBA is changing the definitions of “underrepresentation” and “substantial underrepresentation” to determine the industries that meet those terms.

B. Final Rule (9/14/15)

This final rule, effective 10/14/15, amends the SBA regulations to implement Section 825 of the FY15 NDAA allowing sole source awards to Women-Owned Small Businesses or Economically Disadvantaged Small Businesses. 495 comments were received on the proposed rule and the rule is converted to final with changes.

C. FAR Interim Rule (12/31/15)

[A FAR final rule, effective 12/31/15](#), amends the FAR to implement the SBA final rule, as part of FAC 2005-86. No proposed rule was published for comment.

Affiliation for Business Loan Programs and Surety Bond Guarantee Program (10/2/15)

This proposed rule would modify SBA’s regulations to improve the Surety Bond Guarantee Program and the SBA business loan programs to simplify guidelines for determining affiliation for eligibility based on size as it relates to these programs.

Credit for Lower Tier Small Business Subcontracting (10/6/15)

This proposed rule would amend the SBA contracting regulations to implement Section 1614 of the FY14 NDAA to allow an other than small prime contractor that has an individual subcontracting plan for a contract to receive credit towards its small business subcontracting goals for subcontract awards made to small business concerns at any tier.

Women-Owned Small Business and Economically Disadvantaged Women-Owned Small Business – Certification (12/18/15)

This advance notice of proposed rulemaking seeks comment on certification of women-owned small businesses (WOSB) and economically disadvantaged women-owned small businesses (EDWOSB) in connection with the WOSB program, to implement Section 825 of the FY 15 NDAA which removed the statutory authority allowing WOSBs to self-certify.

U.S. Access Board

Architectural and Transportation Barriers Compliance Board: Section 508 Compliance (2/18/15)

This proposed rule would revise and update, in a single document, both the standards for electronic and information technology developed, procured, maintained or used by federal agencies covered by Section 508 of the Rehabilitation Act of 1973 and its guidelines for telecommunications equipment covered by Section 255 of the Communications Act of 1934.

USAID

USAID Acquisition Regulation: Administrative Changes (3/12/15)

This direct final rule, effective 3/16/15, amends the AIDAR to make corrections to the final rule that was published on 12/16/14.

Partner Vetting in USAID Assistance (6/26/15)

This final rule, effective 7/27/15, implements a pilot program for a Partner Vetting System for USAID assistance and acquisition. This final rule sets out the requirements for assistance vehicles. A proposed rule was published 12/6/13; 23 sets of comments were received and the proposed rule is converted to final with changes.

Administrative Changes and Clauses to AIDAR (11/12/15)

This proposed rule would amend the USAID Acquisition Supplement (AIDAR) to maintain consistency with the FAR and agency regulations and incorporate current and new clauses in the regulation.

U.S. Trade Representative

Procurement Thresholds for Implementation of Trade Agreement Act of 1979 (12/15/15)

This notice provides the thresholds for calendar year 2016 and 2017 for carrying out the World Trade Organization's Government Procurement Agreement and twelve separate Free Trade Agreements applicable to covered procurements valued at or above specified U.S. dollar thresholds. [Note: [A DFARS rule was published 12/30/15](#). [A FAR final rule, effective 1/1/16, was published 12/31/15](#).]