

DEPARTMENT OF DEFENSE**General Services Administration****National Aeronautics and Space Administration****48 CFR Part 17**

[FAR Case 99-004]

RIN 9000-A142

Federal Acquisition Regulation; Executive Agent

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

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation (FAR) to add another example of an interagency acquisition that is not subject to the Economy Act.

DATES: Comments should be submitted on or before October 12, 1999, to be considered in the formulation of a final rule.

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

Address e-mail comments submitted via the Internet to: farcase.99-004@gsa.gov.

Please cite FAR case 99-004 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For

clarification of content, contact Mr. Ralph DeStefano, Procurement Analyst, at (202) 501-1758. Please cite FAR case 99-004.

SUPPLEMENTARY INFORMATION:**A. Background**

This proposed rule amends FAR 17.500(b) to add another example of an interagency acquisition that is not subject to the Economy Act. The new example is an acquisition of information technology by an agency that has been designated an executive agent by the Office of Management and Budget under the authority of Pub. L. 104-106, Section 5112(e).

This rule was not subject to Office of Management and Budget review under Section 6(b) of Executive Order 12866. Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule addresses internal Government administrative procedures. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 99-004), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management

and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 17

Government procurement.

Dated: August 9, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, it is proposed that 48 CFR part 17 be amended as set forth below:

PART 17—SPECIAL CONTRACTING METHODS

1. The authority citation for 48 CFR part 17 continues to read as follows:

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

2. Revise section 17.500 to read as follows:

17.500 Scope of subpart.

(a) This subpart prescribes policies and procedures applicable to interagency acquisitions under the Economy Act (31 U.S.C. 1535). The Economy Act also provides authority for placement of orders between major organizational units within an agency. Agency regulations address procedures for these intra-agency transactions.

(b) The Economy Act applies when more specific statutory authority does not exist. Examples of interagency acquisitions to which the Economy Act does not apply include—

(1) Acquisitions from required sources of supplies prescribed in part 8, which have separate statutory authority; and

(2) Acquisitions of information technology from agencies designated by OMB as executive agents under the authority of Pub. L. 104-106, Section 5112(e) (40 U.S.C. 1412(e)).

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