

administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it has no effect on contractors or offerors. This rule only revises the regulation by accurately reflecting that the DOL is the administrative authority for certain functions that were formerly the function of the GAO. These requirements affect only the internal operating procedures of the Government.

### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

### IV. Regulatory Flexibility Act

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

### V. Paperwork Reduction Act

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

### List of Subjects in 48 CFR Parts 22 and 53

Government procurement.

Dated: November 17, 2014.

**William Clark,**

*Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR parts 22 and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 22 and 53 continues to read as follows:

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

## PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 2. Amend section 22.406-9 by revising paragraphs (c)(1) and (3) to read as follows:

### 22.406-9 Withholding from or suspension of contract payments.

\* \* \* \* \*

(c) *Disposition of contract payments withheld or suspended*—(1) *Forwarding wage underpayments to the Secretary of Labor.* Upon final administrative determination, if the contractor or subcontractor has not made restitution, the contracting officer must follow the Department of Labor guidance published in Wage and Hour Division, All Agency Memorandum (AAM) No. 215, Streamlining Claims for Federal Contractor Employees Act. The AAM No. 215 can be obtained at <http://www.dol.gov/whd/govcontracts/dbra.htm>; under Guidance there is a link for All Agencies Memoranda (AAMs).

\* \* \* \* \*

(3) *Limitation on returning funds.* If the Department of Labor requested the withholding or if the findings are disputed (see 22.406-10(e)), the contracting officer must not return the funds to the contractor without approval by the Department of Labor.

\* \* \* \* \*

### 22.406-11 [Amended]

■ 3. Amend section 22.406-11 by removing from the introductory paragraph “, and the Comptroller General”.

## PART 53—FORMS

■ 4. Amend section 53.222 by revising the section heading; and removing and reserving paragraph (d) to read as follows:

### 53.222 Application of labor laws to Government acquisitions (SF's 307, 1413, 1445, 1446, WH-347).

\* \* \* \* \*

### 53.301-1093 [Removed]

■ 5. Remove section 53.301-1093.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 39 and 52

[FAC 2005-78; FAR Case 2014-006; Item III; Docket 2011-0023, Sequence 1]

RIN 9000-AM53

### Federal Acquisition Regulation; Year Format

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

**ACTION:** Final rule.

**SUMMARY:** DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to delete obsolete regulations relating to the year 2000 compliance.

**DATES:** *Effective:* December 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, at 202-501-0650, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755. Please cite FAC 2005-78, FAR Case 2014-006.

### SUPPLEMENTARY INFORMATION:

#### I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 79 FR 16274 on March 25, 2014. No public comments were submitted. The final rule makes no changes from the proposed rule.

DoD, GSA, and NASA are amending the FAR to delete obsolete coverage relating to the year 2000 compliance at FAR 39.002, 39.101(a) and 39.106. Also, the rule makes conforming changes to FAR 39.107 and the introductory text to the clause at FAR 52.239-1. The year 2000 coverage is outdated, and no longer needed because all of the issues addressing the transition to year 2000 compliance language have been resolved. Executive Order (E.O.) 13563, Improving Regulation and Regulatory Review, on retrospective review of regulations, requires agencies to conduct a review and analysis of their regulations and prepare a plan listing regulations that should be modified, streamlined, expanded, or repealed to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives. The

deletion of this outdated FAR text is consistent with this E.O.

## II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## III. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This rule amends the FAR to delete obsolete coverage relating to the year 2000 compliance at FAR 39.002, 39.101(a) and 39.106. Also, the rule makes conforming changes to FAR 39.107 and the introductory text to the clause at FAR 52.239–1. The year 2000 coverage is no longer needed because all of the issues addressing the transition to year 2000 compliance language have been resolved. Based upon FPDS data, there were 9021 IT contractors in FY 2013, of which 6284 were small businesses. The impact on small businesses is expected to be neutral since we are deleting an obsolete requirement.

The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat.

## V. Paperwork Reduction Act

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

## List of Subjects in 48 CFR Parts 39 and 52

Government procurement.

Dated: November 17, 2014.

**William Clark,**

*Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR parts 39 and 52 as set forth below:

- 1. The authority citation for 48 CFR parts 39 and 52 continues to read as follows:

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

## PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

### 39.002 [Amended]

- 2. Amend section 39.002 by removing the definition “Year 2000 compliant”.

### 39.101 [Amended]

- 3. Amend section 39.101 by removing paragraph (a); and redesignating paragraphs (b) through (e) as paragraphs (a) through (d), respectively.

### 39.106 [Removed]

- 4. Remove section 39.106.

### 39.107 [Redesignated as 39.106]

- 5. Redesignate section 39.107 as section 39.106.

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 52.239–1 [Amended]

- 6. Amend section 52.239–1 by removing from the introductory text “39.107” and adding “39.106” in its place.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 44, 46, and 52

[FAC 2005–78; FAR Case 2012–032; Item IV; Docket No. 2012–0032, Sequence No. 1]

**RIN 9000–AM65**

### Federal Acquisition Regulation; Higher-Level Contract Quality Requirements

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to clarify when to use higher-level quality standards in solicitations and contracts. The rule also updates the examples of higher-level quality standards by removing obsolete standards and adding new industry standards that pertain to quality assurance for avoidance of counterfeit items.

**DATES:** *Effective:* December 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, at 202–501–0650, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite FAC 2005–78, FAR Case 2012–032.

### SUPPLEMENTARY INFORMATION:

#### I. Background

DoD, GSA, and NASA published a proposed rule in the **Federal Register** at 78 FR 72620 on December 3, 2013, to revise FAR subpart 46.2, Contract Quality Requirements. The rule sought to ensure that agencies assess the risk of nonconforming items when determining whether higher-level quality standards should be used by the Government and relied on by contractors. Six respondents submitted comments on the proposed rule.

#### II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments and the changes made to the rule as a result of those comments are provided as follows:

##### A. Summary of Significant Changes From the Proposed Rule

1. Revised FAR 46.202–4, Higher-level contract quality requirements to—
  - a. Clarify that higher-level quality standards include both overarching quality management system standards and product or process specific quality standards;

- b. Delete reference to SAE AS6174; and

- c. Add the commodity specific quality management system standard for automotive production, ISO/TS 16949.

2. Clarified that the contracting officer will list the title, number, date, and tailoring (if any) of applicable higher-