

the Initial and Final reports shall comply with all of the requirements of § 4.11.

(g) * * *

(1) * * *

(i) Within 240 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage of at least 30 minutes duration that potentially affects a 911 special facility (as defined in § 4.5(e)), in which case they also shall notify the affected 911 facility in the manner described in paragraph (h) of this section; or

* * * * *

(h) *911 special facility outage notification.* All cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers (as defined in § 9.19(a)(4) of this chapter) shall notify any official at a 911 special facility who has been designated by the affected 911 special facility as the provider's contact person(s) for communications outages at the facility of any outage that potentially affects that 911 special facility (as defined in § 4.5(e)) in the following manner:

(1) *Appropriate contact information.* To ensure prompt delivery of outage notifications to 911 special facilities, cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers shall exercise special diligence to identify, maintain, and, on an annual basis, confirm current contact information appropriate for 911 outage notification for each 911 special facility that serves areas that the service provider serves.

(2) *Content of notification.* Cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers' 911 outage notifications must convey all available material information about the outage. For the purpose of this paragraph (h), "material information" includes the following, where available:

(i) An identifier unique to each outage;

(ii) The name, telephone number, and email address at which the notifying cable, satellite, wireless, wireline, interconnected VoIP, or covered 911 service provider can be reached for follow up;

(iii) The name of the cable, satellite, wireless, wireline, interconnected VoIP, or covered 911 service provider(s) experiencing the outage;

(iv) The date and time when the incident began (including a notation of the relevant time zone);

(v) The types of communications service(s) affected;

(vi) The geographic area affected by the outage;

(vii) A statement of the notifying cable, satellite, wireless, wireline, interconnected VoIP, or covered 911 service provider's expectations for how the outage potentially affects the 911 special facility (e.g., dropped calls or missing metadata);

(viii) Expected date and time of restoration, including a notation of the relevant time zone;

(ix) The best-known cause of the outage; and

(x) A statement of whether the message is the notifying cable, satellite, wireless, wireline, interconnected VoIP, or covered 911 service provider's initial notification to the 911 special facility, an update to an initial notification, or a message intended to be the service provider's final assessment of the outage.

(3) *Means of notification.* Cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers' 911 outage notifications must be transmitted by telephone and in writing via electronic means in the absence of another method mutually agreed upon in writing in advance by the 911 special facility and the covered 911 service provider.

(4) *Timing of initial notification.* Cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers shall provide a 911 outage notification to a potentially affected 911 special facility as soon as possible, but no later than within 30 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage that potentially affects a 911 special facility, as defined in § 4.5(e).

(5) *Follow-up notification.* Cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers shall communicate additional material information to potentially affected 911 special facilities in notifications subsequent to the initial notification as soon as possible after that information becomes available, but cable, satellite, wireless, wireline and interconnected VoIP providers shall send the first follow-up notification to potentially affected 911 special facilities no later than two hours after the initial contact. After that, cable, satellite, wireless, wireline, interconnected VoIP, and covered 911 service providers are required to continue to provide material information to 911 special facilities as soon as possible after discovery of the new material information until the outage is completely repaired and service is fully restored.

PART 9—911 REQUIREMENTS

■ 4. The authority citation for part 9 continues to read as follows:

Authority: 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

■ 5. Effective March 17, 2023, amend § 9.19 by adding paragraph (d)(4) to read as follows:

§ 9.19 Reliability of covered 911 service providers.

* * * * *

(d) * * *

(4) Covered 911 service providers that cease operations must notify the FCC by filing a notification under penalty of perjury no later than 60 days after the cessation of service.

[FR Doc. 2023–01479 Filed 2–14–23; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 570

[GSAR–TA–2023–01; Docket No. 2023–0007; Sequence No. 1]

General Services Administration Acquisition Regulation; Immediate and Highest Level Owner for High-Security Leased Space; Technical Amendment

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).
ACTION: Technical amendment.

SUMMARY: The General Services Administration is issuing this technical amendment to amend the General Services Administration Acquisition Regulation (GSAR) to make a needed technical amendment. In error, the Code of Federal Regulations (CFR) was not fully updated as a result of the amendment. Therefore, this correcting amendment is issued in order to update the CFR to include the amendatory language not included as originally intended at time of publication of the interim rule (GSAR 2021–G527).

DATES: *Effective:* February 15, 2023.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Stephen Carroll, Procurement Analyst, at GSARPolicy@gsa.gov or 817–253–7858. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at GSARegSec@gsa.gov or 202–501–4755.

SUPPLEMENTARY INFORMATION: On July 1, 2021, GSA amended the General Services Administration Acquisition Regulation (GSAR) through an interim rule (86 FR 34966¹). The interim rule for GSAR Case 2021–G527, Immediate and Highest Level Owner for High-Security Leased Space, was issued to implement Section 3 and Section 5 requirements of the Secure Federal Leases from Espionage and Suspicious Entanglement Act (the Act or Secure Federal LEASEs Act). The interim rule amended 48 CFR 501, 552, and 570. 48 CFR 501 and 552 were appropriately updated in the CFR at the time of publication. 48 CFR 570 was not. Therefore, this correcting amendment updates the CFR by adding paragraphs (c) and (d) at GSAR 570.703.

List of Subjects in 48 CFR Part 570

Government procurement.

Jeffrey Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.

Therefore, GSA amends 48 CFR part 570 by making the following correcting amendment:

PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

- 1. The authority citation for 48 CFR part 570 continues to read as follows:
- 2. Amend section 570.703 by adding paragraphs (c) and (d) to read as follows:

Authority: 40 U.S.C. 121(c).

570.703 GSAR contract clauses.

* * * * *

(c) Insert the representation clause at 552.270–33, Foreign Ownership and Financing Representation for High-Security Leased Space, in novations, solicitations and contracts for leased space that:

- (1) Will be occupied by Federal employees for nonmilitary activities; and
- (2) Has a facility security level of III, IV, or V.

(d) Insert the clause at 552.270–34 Access Limitations for High-Security Leased Space, in novations, solicitations and contracts for leased space that:

- (1) Will be occupied by Federal employees for nonmilitary activities; and
- (2) Has a facility security level of III, IV, or V.

[FR Doc. 2023–03143 Filed 2–14–23; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

48 CFR Parts 3049 and 3052

[Docket No. DHS–2022–0046]

RIN 1601–AB08

Homeland Security Acquisition Regulation (HSAR); United States Coast Guard Contract Termination Policy (HSAR Case 2020–001)

AGENCY: Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

ACTION: Final rule.

SUMMARY: DHS adopts, as final, with minor editorial changes, the proposed rule amending the Homeland Security Acquisition Regulation (HSAR). This rule implements a new subpart and new contract clause to establish contract termination policies for the United States Coast Guard (USCG) and amends a clause to address the applicability of USCG’s contract termination policy to commercial items.

DATES: This rule is effective March 17, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Stivaletti-Petty, Procurement Analyst, DHS, Office of the Chief Procurement Officer, Acquisition Policy and Legislation at (202) 447–5639 or email *HSAR@hq.dhs.gov*. When using email, include HSAR Case 2020–001 in the “Subject” line.

SUPPLEMENTARY INFORMATION:

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I. Background

The Federal Acquisition Regulations (FAR), found in 48 CFR part 1, is a uniform regulation regarding the acquisition of goods and services for Federal Government agencies. 48 CFR part 12, “Acquisition of Commercial Products and Commercial Services,” deals with the acquisition of commercial items, while part 49 discusses the termination of contracts or solicitations. Under 48 CFR 49.101 contracts or solicitations may be terminated, either for convenience or

default, only when it is in the government’s interest. The use of a termination provision depends on the contract type such as a supply contract, service contract, construction contract, research and development contract and the method of payment, *i.e.*, fixed price or cost type.¹

Section 3523 of the John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115–232) (14 U.S.C. 1155(a)) requires that before terminating a procurement or acquisition contract with a total value of more than \$1,000,000, the Commandant of the Coast Guard shall notify each vendor under such contract and require the vendor to maintain all work product related to the contract until the earlier of—(A) not less than 1 year after the date of the notification; or (B) the date the Commandant notifies the vendor that maintenance of such work product is no longer required.²

Specifically, 14 U.S.C. 1155(b) defines “work product” to mean: (1) tangible and intangible items and information produced or possessed as a result of a contract and (2) includes—(A) any completed end items; (B) any uncompleted end items; and (C) any property in the contractor’s possession in which the United States Government has an interest. Section 1155(c) establishes a penalty such that any vendor that fails to maintain the work product is liable to the United States for a civil penalty of not more than \$25,000 for each day on which the work product is unavailable.

II. Discussion of Comments and the Final Rule

The Department of Homeland Security (DHS) did not receive any comments on the proposed rule titled “Homeland Security Acquisition Regulation (HSAR); United States Coast Guard Contract Termination Policy (HSAR Case 2020–001)” published on September 7, 2022 (87 FR 54663). With this rule, DHS adds a new subpart regarding contract termination policy for the United States Coast Guard (USCG) in the Homeland Security Acquisition Regulation (HSAR)³ to

¹ See 48 CFR 49.5.

² This section of the NDAA was originally codified at 14 U.S.C. 657. However, section 108(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (Pub. L. 115–282) subsequently redesignated section 657 as 14 U.S.C. 1155.

³ The HSAR is issued for Departmental guidance according to the policy cited in the FAR at 48 CFR 1.301. The HSAR establishes uniform DHS policies and procedures for all acquisition activities within the DHS and is issued by the Chief Procurement Officer who is the DHS Senior Procurement Executive. The HSAR is located at 48 CFR chapter 30.

¹ 86 FR 34966.