

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Chapter 1****[Docket FAR–2007–0002, Sequence 8]****Federal Acquisition Regulation;  
Federal Acquisition Circular 2005–23;  
Introduction****AGENCIES:** Department of Defense (DoD),  
General Services Administration (GSA),and National Aeronautics and Space  
Administration (NASA).**ACTION:** Summary presentation of rules.**SUMMARY:** This document summarizes  
the Federal Acquisition Regulation  
(FAR) rules agreed to by the Civilian  
Agency Acquisition Council and the  
Defense Acquisition Regulations  
Council in this Federal Acquisition  
Circular (FAC) 2005–23. A companion  
document, the Small Entity Compliance  
Guide (SECG), follows this FAC. The  
FAC, including the SECG, is available  
via the Internet at [http://](http://www.regulations.gov)  
[www.regulations.gov](http://www.regulations.gov).**DATES:** For effective dates and comment  
dates, see separate documents, which  
follow.**FOR FURTHER INFORMATION CONTACT:** The  
analyst whose name appears in the table  
below in relation to each FAR case.  
Please cite FAC 2005–23 and the  
specific FAR case numbers. For  
information pertaining to status or  
publication schedules, contact the FAR  
Secretariat at (202) 501–4755.**LIST OF RULES IN FAC 2005–23**

Item	Subject	FAR case	Analyst
I .....	Electronic Products Environmental Assessment Tool (EPEAT) (Interim) .....	2006–030	Clark.
II .....	Contracts with Religious Entities .....	2006–019	Woodson.
III .....	Performance-Based Payments .....	2005–016	Murphy.

**SUPPLEMENTARY INFORMATION:**Summaries for each FAR rule follow.  
For the actual revisions and/or  
amendments to these FAR cases, refer to  
the specific item number and subject set  
forth in the documents following these  
item summaries.FAC 2005–23 amends the FAR as  
specified below:**Item I—Electronic Products  
Environmental Assessment Tool  
(EPEAT) (FAR Case 2006–030) (Interim)**This interim rule amends the Federal  
Acquisition Regulation (FAR) to require  
use of the Electronic Products  
Environmental Assessment Tool  
(EPEAT) when acquiring personal  
computer products such as desktops,  
notebooks (also known as laptops), and  
monitors pursuant to the Energy Policy  
Act of 2005 and Executive Order 13423,  
“Strengthening Federal Environmental,  
Energy, and Transportation  
Management.” The interim rule revises  
Subpart 23.7, and prescribes a new  
clause in 52.223 (also included in  
52.212–5 for acquisition of commercial  
items) in all solicitations and contracts  
for the acquisition of personal computer  
products, services that require  
furnishing of personal computer  
products for use by the Government,  
and services for contractor operation of  
Government-owned facilities.**Item II—Contracts With Religious  
Entities (FAR Case 2006–019)**This final rule adopts as final, without  
change, the interim rule published in  
the **Federal Register** on March 22, 2007.  
The interim rule amended the FederalAcquisition Regulation (FAR) Parts 22  
and 52 to implement Executive Order  
(E.O.) 11246, as amended, Equal  
Employment Opportunity, to  
incorporate the exemption for religious  
entities prescribed in E.O. 13279.  
Section 4 of E.O. 13279 amended  
Section 204 of E.O. 11246 to exempt  
religious corporations, associations,  
educational institutions and societies  
from certain nondiscrimination  
requirements. E.O. 11246, as amended,  
permits religious entities to consider  
employment of individuals of a  
particular religion to perform work  
connected with carrying on the entity’s  
activities. Religious entities are not  
exempt from other requirements of the  
executive order.**Item III—Performance-Based Payments  
(FAR Case 2005–016)**This final rule amends the Federal  
Acquisition Regulation to increase the  
use of performance-based payments as  
the method of contract financing on  
Federal Government contracts and  
improve the efficiency of performance-  
based payments when used on these  
contracts. These changes originated  
from recommendations submitted by the  
Department of Defense Performance-  
Based Payments Working Group in their  
March 8, 2005, report.

Dated: December 19, 2007.

**Al Matera,**  
*Director, Office of Acquisition Policy.***Federal Acquisition Circular**Federal Acquisition Circular (FAC)  
2005–23 is issued under the authority of  
the Secretary of Defense, theAdministrator of General Services, and  
the Administrator for the National  
Aeronautics and Space Administration.Unless otherwise specified, all  
Federal Acquisition Regulation (FAR)  
and other directive material contained  
in FAC 2005–23 is effective January 25,  
2008, except for Items I and II which are  
effective December 26, 2007.

Dated: December 19, 2007.

**Shay D. Assad,**  
*Director, Defense Procurement and  
Acquisition Policy.*

Dated: December 19, 2007.

**Molly A. Wilkinson,**  
*Chief Acquisition Officer, Office of the Chief  
Acquisition Officer, General Services  
Administration.*

Dated: December 18, 2007.

**William P. McNally,**  
*Assistant Administrator for Procurement,  
National Aeronautics and Space  
Administration.*

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