### A. Background

This proposed rule amends DFARS Subpart 203.3 to add a definition of ''exclusive teaming arrangement'' and to specify that certain exclusive teaming arrangements may evidence violations of the antitrust laws. Teaming arrangements that inhibit competition limit the Government's ability to obtain the best products at reasonable prices.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

### B. Regulatory Flexibility Act

The 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 DoD does not expect frequent use of anticompetitive teaming arrangements by contractors or subcontractors. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99–D028 in correspondence.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any 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 203

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 203 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 203 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

## PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Sections 203.302 and 203.303 are added to read as follows:

**203.302 Definitions.**

''Exclusive teaming arrangement'' means that two or more companies agree, in writing, through understandings, or by any other means, to team together on a procurement and further agree not to team with any other competitors on that procurement.

**203.303 Reporting suspected antitrust violations.**

(c) Practices or events that may evidence violations of the antitrust laws also include exclusive teaming arrangements, if one or a combination of the companies participating on the team is the sole provider of a product or service that is essential for contract performance, and efforts to eliminate the arrangements are not successful.

[FR Doc. 99–29982 Filed 11–17–99; 8:45 am]

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## DEPARTMENT OF DEFENSE

## 48 CFR Part 226

**[DFARS Case 99–D300]**

## Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to revise procedures pertaining to the Indian Incentive Program. The Program provides for incentive payments to Government contractors that use Indian organizations and Indian-owned economic enterprises as subcontractors. This proposed rule reflects new statutory provisions that permit small business concerns to participate in the Indian Incentive Program.

**DATES:** Comments on the proposed rule should be submitted in writing to the address specified below on or before January 18, 2000, to be considered in the formation of the final rule.

**ADDRESSES:** Interested parties should submit written comments on the proposed rule to: Defense Acquisition Regulations Council, Attn: Ms. Susan Schneider, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax (703) 602–0350. Please cite DFARS Case 99–D300.

E-mail comments submitted via the Internet should be addressed to: dfarsacq.osd.mil

Please cite DFARS Case 99–D300 in all correspondence related to this proposed rule. E-mail correspondence should cite DFARS Case 99–D300 in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Schneider, (703) 602–0326. Please cite DFARS Case 99–D300.

**SUPPLEMENTARY INFORMATION:**

### A. Background

This proposed rule amends DFARS Subpart 226.1 to update procedures pertaining to the Indian Incentive Program. Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) established the Indian Incentive Program, which provides for payment of incentives to Government contractors that use Indian organizations and Indian-owned economic enterprises as subcontractors. Prior to fiscal year 1999, annual appropriations acts restricted DoD payments under the Program to those contractors that submitted small business subcontracting plans pursuant to 15 U.S.C. 637(d) or section 854 of Public Law 101–89 (15 U.S.C. 637 note). Since small business concerns are not required to submit subcontracting plans, small businesses were excluded from participation in the Indian Incentive Program under DoD contracts. Section 8024 of the DoD Appropriations Act for Fiscal Year 1999 (Public Law 105–262) and section 8024 of the DoD Appropriations Act for Fiscal Year 2000 (Public Law 106–79) eliminated the requirement for a DoD contractor to submit a subcontracting plan before it may participate in the Indian Incentive Program.

DoD implements the Indian Incentive Program through use of the clause at Federal Acquisition Regulation (FAR) 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises. The FAR and DFARS presently prescribe use of the clause in only those DoD contracts that contain subcontracting plan requirements. On October 27, 1999, a proposed FAR rule was published in the **Federal Register** (64 FR 57964) to remove the FAR requirements for DoD use of the clause; these proposed DFARS amendments would replace the FAR requirements.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

### B. Regulatory Flexibility Act

The proposed rule may 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.* An Initial Regulatory Flexibility Analysis has been prepared and is summarized as follows:

The legal basis for the proposed rule is Section 504 of the Indian Financing

Act of 1974 (25 U.S.C. 1544); Section 8024 of the DoD Appropriations Act for Fiscal Year 1999 (Public Law 105–262); and Section 8024 of the DoD Appropriations Act for Fiscal Year 2000 (Public Law 106–79). This rule will apply to all DoD contractors that have the clause at FAR 52.226–1 incorporated into their contracts. The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements, and does not duplicate, overlap, or conflict with any other Federal rules. The rule is expected to have a beneficial effect on small business concerns, because small businesses are now eligible to receive incentive payments for the use of Indian organizations and Indian-owned economic enterprises as subcontractors.

DoD has submitted a copy of the analysis to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy of the analysis from the address specified herein. Comments are invited. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99–D300 in correspondence.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any 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 226

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 226 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 226 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

## PART 226—OTHER SOCIOECONOMIC PROGRAMS

2. Sections 226.103 and 226.104 are revised to read as follows:

#### 226.103 Procedures.

(f) The contracting officer must submit a request for funding of the Indian incentive to the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics) (OUSD (AT&L) SADBU), 1777 North Kent Street, Suite 9100, Arlington, VA 22209. Upon receipt of funding from OUSD (AT&L) SADBU, the contracting officer must issue a contract modification to add the Indian incentive funding for payment of the contractor's request for adjustment as described at FAR 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises.

#### 226.104 Contract clause.

(1) The contracting officer must use the clause at FAR 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises, in solicitations and contracts that—

(i) Do not use FAR part 12 procedures; and

(ii) (A) Are for supplies or services valued at $500,000 or more; or

(B) Are for construction valued at $1,000,000 or more.

(2) The contracting officer may use the clause at FAR 52.226–1 in any solicitation or contract if, in the opinion of the contracting officer, subcontracting possibilities exist for Indian organizations or Indian-owned economic enterprises.

[FR Doc. 99–29983 Filed 11–17–99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To Revise Critical Habitat for Alabama Beach Mouse, Perdido Key Beach Mouse, and Choctawhatchee Beach Mouse

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** We, the Fish and Wildlife Service, announce a 90-day finding on a petition to revise critical habitat for the Alabama beach mouse *(Peromyscus polionotus ammobates)*, Perdido Key beach mouse *(P. p. trissyllepsis)*, and Choctawhatchee beach mouse *(P. p. allophrys)*, under the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information, we find that the petition presents substantial information indicating that revising critical habitat for these three species may be warranted.

**DATES:** The finding announced in this notice was made on October 14, 1999. Send your comments and materials to reach us on or before January 18, 2000. We may not consider comments received after the above date in making our decision for the 12-month finding.

**ADDRESSES:** Send information, comments, or questions to the Field Supervisor, U.S. Fish and Wildlife Service, 1612 June Avenue, Panama City, Florida 32405, or Field Supervisor, P.O. Box 1190, 1208–B main Street, Daphne, Alabama 36526. The petition, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above Panama City, Florida, address.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gail A. Carmody, Field Supervisor, at the above Panama City, Florida, address or telephone 850/769–0552 or Mr. Larry Goldman, Field Supervisor, at the above Daphne, Alabama, address or telephone 334/441–5181.

**SUPPLEMENTARY INFORMATION:**

### Background

Section 4(b)(3)(D)(i) of the Act and our listing regulations (50 CFR 424.14 (c)(1)), require that we make a finding on whether a petition to revise critical habitat of a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. We are to base this finding on all information available to us at the time the finding is made. To the maximum extent practicable, we are to make this finding within 90 days of the date we received the petition, and we are to publish the finding promptly in the **Federal Register**. Our regulations (50 CFR 424.14 (c)(2)(i)) further require that, in making a finding on a petition to add critical habitat, we consider whether the petition contains information indicating that areas petitioned to be added to critical habitat contain physical and biological features essential to, and that may require special management to provide for, the conservation of the species involved.

On May 8, 1998, we published Listing Priority Guidance for Fiscal Years 1998 and 1999 (63 FR 25502). The guidance clarifies the order in which we will process rulemakings giving highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited