

the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

[Insert one or more Internet addresses]  
(End of provision)

#### 52.252-2 Clauses Incorporated by Reference.

As prescribed in 52.107(b), insert the following clause:

Clauses Incorporated by Reference (Feb 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

[Insert one or more Internet addresses]  
(End of clause)

#### PART 53—FORMS

##### 53.213 and 53.243 [Amended]

25. Amend the internal references throughout 53.213 and 53.243 as indicated in the following table:

Location	Remove	Insert
53.213(a) .....	13.107 both times it appears .....	13.307(b)
53.213(b) .....	13.503(b) .....	13.307(c)(3)
3.213(c) .....	13.505(b) .....	13.306
53.213(d) .....	13.404(e) .....	13.307(e)
53.213(e) .....	13.107(c) .....	13.307(c)(1)
53.213(f)(1) .....	13.505 .....	13.307
53.213(f)(2) .....	13.202 .....	13.303-2
53.213(f)(2) .....	13.204(e) .....	13.303-5
53.243 undesignated paragraph .....	13.503(b) .....	13.302-3

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#### DEPARTMENT OF DEFENSE

##### GENERAL SERVICES ADMINISTRATION

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Part 25

[FAC 97-03; FAR Case 97-021; Item V]

RIN 9000-AH80

#### Federal Acquisition Regulation; Reporting Trade Sanction Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to revise the reporting requirements for trade sanction exemptions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** February 9, 1998.

**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. Paul Linfield, Procurement Analyst, at (202) 501-1757. Please cite FAC 97-03, FAR case 97-021.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule amends FAR Subpart 25.10 to eliminate requirements for agencies to notify Congress when exercising the authority at FAR 25.1002(c) for exemption of certain procurements from the trade sanctions imposed by the President. The rule instead requires agencies to notify the United States Trade Representative (USTR) of such exemptions within 30 days after contract award. FAR Subpart 25.10 implements sanctions imposed by the President (58 FR 31136, May 28, 1993) pursuant to the Trade Agreements Act (10 U.S.C. 2515), as amended by Title VII of Public Law 100-418 (The Buy American Act of 1988). The Buy American Act of 1988 also amended 41 U.S.C. 10b-1 to permit agency heads to waive application of the sanctions for certain contracts after providing notification to Congress.

The Buy American Act of 1988 included a sunset provision (Section 7004) by which amendments to 19 U.S.C. 2515 and 41 U.S.C. 10b-1 expired on April 30, 1996. However, the sanctions imposed by the President remain in effect until the President amends or terminates them. The requirement to notify Congress is no longer in effect. Since the USTR is delegated by the President with administering the sanctions, the requirement to notify the USTR has been retained.

#### B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAC 97-03, FAR case 97-021), in correspondence.

#### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which 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 25

Government procurement.

Dated: December 1, 1997.

**Edward C. Loeb,**

Director, Federal Acquisition Policy Division.

Therefore, 48 CFR part 25 is amended as set forth below:

#### PART 25—FOREIGN ACQUISITION

1. The authority citation for 48 CFR Part 25 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. Section 25.1000 is revised to read as follows:

**25.1000 Scope of subpart.**

This subpart implements sanctions imposed by the President (58 FR 31136, May 28, 1993) pursuant to section 305(g)(1) of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2515(g)(1)). These sanctions apply to countries that discriminate against U.S. products or services in Government procurement. This subpart does not apply to the Department of Defense. For thresholds that are unique to individual agencies (e.g., Power Marketing Administration of the Department of Energy), see agency regulations.

3. Section 25.1002 is amended by revising paragraph (c)(2) to read as follows:

**25.1002 Trade sanctions.**

\* \* \* \* \*

(c) \* \* \*

(2) When a determination is made according to this paragraph (c), the agency shall notify the United States Trade Representative within 30 days after contract award.

\* \* \* \* \*

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**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Part 29**

[FAC 97-03; FAR Case 97-018; Item VI]

RIN 9000-AH79

**Federal Acquisition Regulation; New  
Mexico Gross Receipts and  
Compensating Tax**

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

**ACTION:** Final rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to identify the Defense Special Weapons Agency as an agency that has entered into an agreement with the State of New Mexico regarding taxation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** December 9, 1997.

**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 Ms. Victoria Moss, Procurement Analyst, at (202) 501-4764. Please cite FAC 97-03, FAR case 97-018.

**SUPPLEMENTARY INFORMATION:****A. Background**

This final rule amends FAR 29.401-6 by adding the Defense Special Weapons Agency to the list in paragraph (c)(1) as an agency that has entered into an agreement with the State of New Mexico to eliminate double taxation under New Mexico's Gross Receipts and Compensating Tax Act. Because participating Federal agencies may or may not be executive agencies, the term "executive" has been deleted in paragraphs (b) and (c)(1).

**B. Regulatory Flexibility Act**

This final rule does not constitute a significant FAR revision within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and publication for public comments is not required. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAC 97-03, FAR case 97-018), in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which requires the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 29**

Government procurement.

Dated: December 1, 1997.

**Edward C. Loeb,**

*Director, Federal Acquisition Policy Division.*

Therefore, 48 CFR part 29 is amended as set forth below:

**PART 29—TAXES**

1. The authority citation for 48 CFR Part 29 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).

**29.401-6 [Amended]**

2. Section 29.401-6 is amended in the introductory text of paragraph (b) and paragraph (c)(1) by removing "executive"; and also in the list following paragraph (c)(1) by adding, in alphabetical order, "United States Defense Special Weapons Agency;"

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**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****48 CFR Part 31**

[FAC 97-03; FAR Case 96-325; Item VII]

RIN 9000-AH50

**Federal Acquisition Regulation;  
Compensation of Certain Contractor  
Personnel**

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

**ACTION:** Interim rule adopted as final with changes.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to adopt as final, with changes, the interim rule published as Item XI of Federal Acquisition Circular 90-45 on January 2, 1997. The rule amends the Federal Acquisition Regulation (FAR) to implement Section 809 of the Fiscal Year 1997 National Defense Authorization Act (Pub. L. 104-201) by placing a Governmentwide ceiling on allowable compensation costs for contractor personnel in senior management positions under contracts that are awarded during fiscal year 1997. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** February 9, 1998.

**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 Ms. Linda Nelson, Procurement Analyst, at (202) 501-1900. Please cite FAC 97-03, FAR case 96-325.