

licensees annually to file a new reporting form to be issued later. Licensees will be required to report whether they provided ancillary or supplementary services, the ancillary or supplementary services provided, the services provided which are subject to a fee, gross revenues received from all feeable ancillary and supplementary services, and the amount of bitstream used to provide ancillary or supplementary services. Licensees providing services subject to a fee will additionally be required annually to file FCC Form 159 in remittance of the fee. So that the Commission may audit licensees' records supporting the calculation of the fees due, each licensee will be required to retain such records for three years from the date of remittance of fees.

Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered:

64. This Report and Order establishes a program for assessing and collecting fees for the ancillary or supplementary use of the digital television spectrum. In the Notice of Proposed Rule Making, a variety of alternatives were proposed and we additionally sought comment on whether any of the proposed approaches would have a significant economic impact on any class of small licensee or permittee. We considered all alternatives presented in the comments. The rules adopted here are required to implement provisions of the 1996 Act. These proposed rules and policies may affect broadcast television licensees, some of which are small businesses. The Commission believes that the rules adopted here are necessary to the recovery of a portion of the value of the public spectrum and to promote the development of innovative uses of the DTV capacity.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

65. Adoption of this Report and Order will necessitate the revision of 47 CFR 73.624 to add a new § 73.624(g).

Report to Congress:

66. The Commission will send a copy of the R&O, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the R&O, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the R&O and FRFA (or summaries thereof)

will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

List of Subjects in 47 CFR Part 73

Television, television broadcasting.
Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

Part 73 of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 73—[AMENDED]

- 1. The authority citation for part 73 continues to read as follows: 47 U.S.C. 154, 303, 334, 336
- 2. Section 73.624 is revised by adding a new paragraph (g) to read as follows:

§ 73.624 Digital Television Broadcast Stations

* * * * *

(g) Commercial DTV licensees must annually remit a fee of five percent of the gross revenues derived from all ancillary or supplementary services, as defined by paragraph (b) hereof, which are *feeable*, as defined in paragraphs (i) through (ii) hereof.

(1)(i) All ancillary or supplementary services for which payment of a subscription fee or charge is required in order to receive the service are feeable. The fee required by this provision shall be imposed on any and all revenues from such services, including revenues derived from subscription fees and from any commercial advertisements transmitted on the service.

(ii) Any ancillary or supplementary service for which no payment is required from consumers in order to receive the service is feeable if the DTV licensee directly or indirectly receives compensation from a third party in return for the transmission of material provided by that third party (other than commercial advertisements used to support broadcasting for which a subscription fee is not required). The fee required by this provision shall be imposed on any and all revenues from such services, other than revenues received from a third party in return for the transmission of commercial advertisements used to support broadcasting for which a subscription fee is not required.

(2) *Payment of fees.* (i) Each December 1, all commercial DTV licensees will electronically report whether they provided ancillary or supplementary services in the twelve-month period ending on the preceding September 30. Licensees will further report, for the applicable period: (A) a brief

description of the services provided; (B) which services were feeable ancillary or supplementary services; (C) whether any ancillary or supplementary services provided were not subject to a fee; (D) gross revenues received from all feeable ancillary and supplementary services provided during the applicable period; and (E) the amount of bitstream used to provide ancillary or supplementary services during the applicable period. Licensees will certify under penalty of perjury the accuracy of the information reported. Failure to file regardless of revenues from ancillary or supplementary services or provision of such services may result in appropriate sanctions.

(ii) If a commercial DTV licensee has provided feeable ancillary or supplementary services at any point during a twelve-month period ending on September 30, the licensee must additionally file the FCC's standard remittance form (Form 159) on the subsequent December 1. Licensees will certify the amount of gross revenues received from feeable ancillary or supplementary services for the applicable twelve-month period and will remit the payment of the required fee.

(iii) The Commission reserves the right to audit each licensee's records which support the calculation of the amount specified on line 23A of Form 159. Each licensee, therefore, is required to retain such records for three years from the date of remittance of fees.

[FR Doc. 98-33065 Filed 12-15-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 801, 803, 805, 806, 808, 814, 817, 819, 822, 825, 828, 831, 832, 833, 836, 837, 842, 846, 847, 849, 852, 853, 870, and 871

RIN 2900-AJ29

VA Acquisition Regulation: Title and Reference Updates

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs Acquisition Regulation (VAAR): to update office names and job titles due to administrative changes within the Department; correct references and typographical errors; delete obsolete material; delete material which duplicates material in the Federal Acquisition Regulation (FAR); and to

revise and update section numbers and titles to correspond with the FAR.

DATES: Effective Date: December 16, 1998.

FOR FURTHER INFORMATION CONTACT: Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington DC 20420, (202) 273-8819.

SUPPLEMENTARY INFORMATION: This rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553. Also, this final rule is not a significant revision as defined in FAR 1.501-1.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612, since it does not contain any substantive provisions. This rule would not cause a significant effect on any entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

List of Subjects

48 CFR Parts 801, 833, 836 and 852

Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 803

Antitrust, Conflict of interests, Government procurement.

48 CFR Parts 805, 806, 814, 817, 832, 837, 846, 849, and 853

Government procurement.

48 CFR Part 808

Government procurement, Utilities.

48 CFR Part 819

Administrative practice and procedure, Government procurement, Reporting and recordkeeping requirements, Small businesses, Veterans.

48 CFR Part 822

Government procurement, Labor.

48 CFR Part 825

Foreign currencies, Foreign trade, Government procurement.

48 CFR Part 828

Government procurement, Insurance, Surety bonds.

48 CFR Parts 831 and 842

Accounting, Government procurement.

48 CFR Part 847

Government procurement, Transportation.

48 CFR Part 870

Asbestos, Frozen foods, Government procurement, Telecommunications.

48 CFR Part 871

Government procurement, Loan programs-social programs, Loan programs-veterans, Reporting and recordkeeping requirements, Vocational rehabilitation.

Approved: December 4, 1998.

Togo D. West, Jr.,
Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 48 CFR Chapter 8 is amended as follows:

PART 801—VETERANS AFFAIRS ACQUISITION REGULATIONS SYSTEM

1. The authority citation for part 801 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

801.000 [Amended]

2. Section 801.000 is amended by removing "Regulations" both times it appears and adding, in its place, "Regulation".

801.101 [Amended]

3. In 801.101 paragraph (a) is amended by removing "Veterans Affairs Acquisition Regulations" and adding, in its place, "Veterans Affairs Acquisition Regulation".

801.103 [Redesignated as 801.104]

4. Section 801.103 is redesignated as 801.104; and newly redesignated 801.104 is amended by removing "5021" in paragraph (a) and adding, in its place, "8121".

801.102 [Redesignated as 801.103]

5. Section 801.102 is redesignated as 801.103; and newly redesignated 801.103 is amended by removing "210" and by adding, in its place, "501".

801.301-70 [Amended]

6. In 801.301-70, paragraph (b)(2) is amended by removing "(93)" and adding, in its place, "(95)".

801.303 [Amended]

7. The heading for 801.303 is revised to read as follows: *801.303 Publication and codification.*

8. The heading for subpart 801.6 is revised to read as follows:

Subpart 801.6—Career Development, Contracting Activity, and Responsibilities

801.602-3 [Amended]

9. In 801.602-3, paragraph (a)(2) is amended by removing "supplies, and services" and adding, in its place, "supplies, services,"; and paragraph (b)(2) is amended by removing "Office of General Counsel" and adding, in its place, "Office of the General Counsel".

801.603-71 [Amended]

10. In 801.603-71, paragraph (b) is amended by removing "Chief, Central Office Library Division," and adding, in its place, "Director, Library Services, VA Central Office," and paragraphs (c), (d), and (e) are removed.

801.670-1 [Amended]

11. Section 801.670-1 is amended by removing "Service, at a Department of Veterans Affairs medical center, or the person acting in that capacity," and adding, in its place, "Service (MAS), or the person designated by the medical center director to perform MAS functions, at a Department of Veterans Affairs medical center,".

801.670-2 [Amended]

12. Section 801.670-2 is amended by removing paragraph (a)(1); and by redesignating paragraphs (a)(2) and (a)(3) as paragraphs (a)(1) and (a)(2), respectively.

801.670-3 [Amended]

13. In 801.670-3, paragraph (a) is amended by removing "Service," and adding, in its place, "Service (MAS), or the person designated by the medical center director to perform MAS functions,".

801.670-4 [Amended]

14. In 801.670-4, paragraph (a)(1) is amended by removing "Chief, Acquisition Division, Monument Service" and adding, in its place, "Chief, Centralized Contracting Division, Office of Operations Support"; paragraph (a)(2) is amended by removing "Chief, Transportation Section, Monument Service, and Freight Rate Specialist" and adding, in its place, "Freight Rate Specialist, Office of Operations Support"; paragraph (b)(1) is amended by removing "Deputy Director" and adding, in its place, "Director, Office of Field Operations"; paragraph (b)(2) is amended by removing "and Deputy Director"; and paragraph (c) is amended by removing "Voucher, (FAR 13.505-3)" and adding, in its place, "Voucher (FAR 13.306)".

801.670-5 [Amended]

15. In 801.670-5, paragraph (a)(3) is amended by removing "Chief Medical Director" and adding, in its place, "Under Secretary for Health"; paragraph (a)(4) is amended by removing "Chief Benefits Director" and adding, in its place, "Under Secretary for Benefits"; paragraph (a)(5) is amended by removing "Chief Memorial Affairs Director" and adding, in its place, "Under Secretary for Memorial Affairs"; paragraph (a)(6) is amended by removing "Deputy Assistant Director" and adding, in its place, "Deputy Assistant Secretary"; paragraph (a)(8) is amended by removing "4122" and adding, in its place, "7471"; paragraph (a)(9) is amended by removing "Assistant Chief Medical Director for Research and Development" and adding, in its place, "Chief Research and Development Officer"; and paragraph (b) is amended by removing "execute the same duties and responsibilities" and adding, in its place, "execute letters of agreement" and by removing "Review Division" and adding, in its place, "Administration Team".

801.680 [Amended]

16. In 801.680, paragraph (c) is amended by removing "Supply Service" and adding, in its place, "Acquisition and Materiel Management Service or the local purchase and contract activity"; and paragraph (d) is amended by removing "Regulations" and adding, in its place, "Regulation".

801.690-3 [Amended]

17. In 801.690-3, paragraph (c) introductory text is amended by removing "Deputy Director" and adding, in its place, "Associate Deputy Assistant Secretary for Acquisitions"; paragraph (c)(1) is amended by removing "Director for Administration (VHS&RA)" and adding, in its place, "Chief Administrative Officer (VHA)"; and paragraph (c)(2) is amended by removing "Deputy Director, Office of Facilities" and adding, in its place, "Deputy Facilities Management Officer".

18. In 801.690-4, paragraph (c)(1)(i) is amended by removing "on the job in formalized" and adding, in its place "on the job or in formalized"; and paragraph (c)(3)(ii) is revised to read as follows:

801.690-4 Selection.

* * * * *

(c) * * *

(3) * * *

(ii) Experience. Three years of progressive assignments in an

acquisition related field within the last five years and demonstrated broad technical ability related to acquisition.

* * * * *

801.690-6 [Amended]

19. In 801.690-6, paragraph (b) is amended by removing "Personnel Office" and adding, in its place, "Human Resources Service".

PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

20. The authority citation for part 803 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

803.101-3 [Amended]

21. In 803.101-3, paragraph (b) is amended by removing "subpart D" and adding, in its place, "subpart B".

803.409 [Redesignated as 803.405]

22. Section 803.409 is redesignated as 803.405.

803.7000 [Amended]

23. The introductory text of 803.7000 is amended by removing "It is the" and adding, in its place, "It is"; and by adding an apostrophe onto the word "Affairs".

PART 805—PUBLICIZING CONTRACT ACTIONS

24. The authority citation for part 805 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

805.205 [Amended]

25. Section 805.205 is amended by removing "To facilitate the use of the alternative procedure in FAR 5.205(c)(2), contracting" and adding, in its place, "Contracting".

PART 806—COMPETITION REQUIREMENTS

26. The authority citation for part 806 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

806.302-3 [Amended]

27. Section 806.302-3 is amended by removing "4101, will be negotiated under the authority of 41 U.S.C. 253(c)(5), regardless of the dollar amount." and adding, in its place, "7303 will be negotiated under the authority of 41 U.S.C. 253(c)(5), regardless of the dollar amount).".

28. In 806.302-5, paragraph (a) is amended by removing "4117" and

adding, in its place, ""7409"; and by removing "4101" and adding, in its place, "7302"; paragraph (b) is amended by removing "5053" and adding, in its place, "8153"; paragraph (c) introductory text is amended by removing "small purchase limitation" and adding, in its place, "simplified acquisition threshold"; paragraph (c)(1) is amended by removing "5023" and adding, in its place, "8123"; paragraph (c)(2) is amended by removing "4202" and adding, in its place, "7802"; paragraph (c)(4) is amended by removing "5022(c)" and adding, in its place, "8122(c)"; paragraph (c)(5) is amended by removing "213" and adding, in its place, "513"; paragraph (c)(6) is amended by removing "620" and adding, in its place, "1720"; and paragraph (c)(3) is revised to read as follows:

806.302-5 Authorized or required by statute

* * * * *

(c) * * *

(3) Contracts or leases for the operation of parking facilities established under the authority of 38 U.S.C. 8109(b), provided that the establishment, operation, and maintenance of such facilities have been authorized by the Secretary or designee. 38 U.S.C. 8109(f).

* * * * *

806.304 [Amended]

29. In 806.304, paragraph (a)(1)(i) is amended by removing "Veterans Health Services and Research Administration (VHS&RA) medical centers" and adding, in its place, "Veterans Health Administration (VHA) medical facilities"; and paragraph (a)(2)(i) is amended by removing "VHS&RA medical centers" and adding, in its place, "VHA medical facilities".

806.501 [Amended]

30. In 806.501, paragraph (b) is amended by removing "Director, VA Marketing Center" and adding, in its place, "Executive Director and Chief Operating Officer, VA National Acquisition Center".

31. Section 806.570 introductory text is amended by removing "an initial Competition Plan for their respective activities by August 15, 1985. The plan should be formally incorporated" and adding, in its place, "a Competition Plan and incorporate the Plan"; and the section heading is revised to read as follows:

806.570 Planning requirements.**PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

32. The authority citation for part 808 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

808.001 [Amended]

33. In 808.001, paragraph (a)(4) is amended by removing “from the Blind and Other Severely Handicapped” and adding, in its place, “From People Who Are Blind or Severely Disabled”.

808.401 [Amended]

34. Section 808.401 is amended by removing “Director, VA Marketing Center” and adding, in its place, “Executive Director and Chief Operating Officer, VA National Acquisition Center” and by removing “Director issues” and adding, in its place, “Executive Director and Chief Operating Officer issues”.

808.404–1 [Amended]

35. Section 808.404–1 is amended by removing “Director, VA Marketing Center” each time it appears in paragraphs (a) and (b) and adding, in its place, “Executive Director and Chief Operating Officer, VA National Acquisition Center”; and paragraph (b)(1) is amended by removing “subject to the requirements set forth in FAR 8.404–1(e)”.

808.404–3 [Amended]

36. Section 808.404–3 is amended by removing “Director, VA Marketing Center” and adding, in its place, “Executive Director and Chief Operating Officer, VA National Acquisition Center”.

PART 814—SEALED BIDDING

37. The authority citation for part 814 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

814.201 [Amended]

38. In 814.201, paragraph (a) is amended by removing “marketing division” and adding, in its place, “National Acquisition Center division”.

814.304–4 [Amended]

39. Section 814.304–4 is amended by removing “at VA” and adding, in its place, “at the VA”.

814.403 [Amended]

40. Section 814.403 is amended by removing “SF 1419” and adding, in its place, “OF 1419”.

814.404–1 [Amended]

41. In 814.404–1, paragraph (b) is amended by removing “prepared as prescribed in Subpart 801.7”.

814.404–70 [Amended]

42. Section 814.404–70 is amended by removing “Acquisition Review Division” and adding, in its place, “Acquisition Administration Team”.

814.407 [Redesignated as 814.408]

43. Section 814.407 is redesignated as 814.408.

814.408 [Redesignated as 814.409]

44. Section 814.408 is redesignated as 814.409.

814.407–70 [Redesignated as 814.408–70]

45. Section 814.407–70 is redesignated as 814.408–70.

814.407–71 [Redesignated as 814.408–71]

46. Section 814.407–71 is redesignated as 814.408–71.

814.406 [Redesignated as 814.407]

47. Section 814.406 is redesignated as 814.407.

814.406–3 [Amended]

48. Section 814.406–3 is redesignated as 814.407–3; paragraph (a) is amended by removing “14.406–3(e)” and adding, in its place, “14.407–3(e)”; by removing “14.406–3(a)” and adding, in its place, “14.407–3(a)”; and by removing “relegation to” and adding, in its place, “relegation, to”; paragraph (b) is amended by removing “14.406–3” and adding, in its place, “14.407–3” and by removing “Acquisition Review Division” and adding, in its place, “Acquisition Administration Team,”; and paragraph (c) is amended by removing “Acquisition Review Division” and adding, in its place, “Acquisition Administration Team”.

814.406–4 [Amended]

49. Section 814.406–4 is redesignated as 814.407–4; paragraph (a) is amended by removing “14.406–4(a)” and adding, in its place, “14.407–4(a)” and by removing “Acquisition Review Division” and adding, in its place, “Acquisition Administration Team”; paragraph (b) is amended by removing “14.406–4” and adding, in its place, “14.407–4”, by removing “Acquisition Review Division for” and adding, in its place, “Acquisition Administration Team, for”, and by removing “Acquisition Review Division. The final” and adding, in its place, “Acquisition Administration Team. The final”; and paragraph (c) is amended by removing “Acquisition Review Division” and adding, in its place,

“Acquisition Administration Team,” and by removing “14.406–4” and adding, in its place, “14.407–4”.

PART 817—SPECIAL CONTACTING METHODS

50. The authority citation for part 817 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

817.102 [Redesignated as 817.105]

51. Section 817.102 is redesignated as 817.105.

52. Section 817.102–1 is redesignated as 817.105–1; paragraph (b)(2) is amended by removing “Assistant Secretary” and adding, in its place, “Deputy Assistant Secretary”; and paragraph (c) is amended by removing “FAR 17.103–1 and VAAR 817.103–1” and adding, in its place, “FAR 17.106–1”.

PART 819—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

53. The authority citation for part 819 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

819.201 [Amended]

54. In 819.201, paragraph (a) is amended by removing “(005SB)” and adding, in its place, “(00SB)”; paragraph (b) is amended by removing “Deputy Assistant Secretary for Facilities” and adding, in its place, “Chief Facilities Management Officer”; and paragraph (d) is amended by removing “Chief Benefits Director; Deputy Assistant Secretary for Facilities; Deputy Assistant Secretary for Administration; Director, Acquisitions Operations Service; Director, VA Marketing Center;” and adding, in its place, “Under Secretary for Benefits; Chief Facilities Management Officer; Deputy Assistant Secretary for Administration; Director, Acquisition Operations and Analysis Service; Executive Director and Chief Operating Officer, VA National Acquisition Center;”.

819.202–5 [Amended]

55. In 819.202–5, paragraph (c) introductory text is amended by removing “(c)(9)” and adding, in its place, “(c)(8)”, by removing “VA Marketing Center and the Office of Facilities” and adding, in its place, “VA National Acquisition Center and the Office of Facilities Management”, and by removing “(c)(12)” and adding, in its place, “(c)(11)”; paragraph (c)(6) is removed; paragraphs (c)(7) through (c)(12) are redesignated as paragraphs

(c)(6) through (c)(11), respectively; paragraph (g) is amended by removing "(c)(9)" and adding, in its place, "(c)(8)"; and paragraph (h) is amended by removing "Office of Facilities" and adding, in its place, "Office of Facilities Management", and by removing "VA Marketing Center" and adding, in its place, "VA National Acquisition Center".

819.202-70 [Amended]

56. In 819.202-70, the section introductory text is amended by removing "and Labor Surplus Area (LSA) programs" and adding, in its place, "program"; paragraph (a) is amended by removing "Vietnam era and disabled veteran-owned, and LSA concerns" and adding, in its place, "and Vietnam era and disabled veteran-owned concerns"; paragraph (c) is amended by removing "and LSA set-asides"; paragraph (j) is amended by removing "and LSA"; and paragraph (k) is amended by removing "labor surplus area set-asides,".

819.502-2 [Amended]

57. Section 819.502-2 is amended by removing paragraph (b); and by redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

58. Section 819.502-3 is revised to read as follows:

819.502-3 Partial set-asides.

When, in accordance with the provisions of FAR 19.502-3, it is determined that a particular procurement will be partially set aside for exclusive small business participation, the solicitation for bids shall state the appropriate product or service classification and appropriate size standard and the following statement shall be placed on the face page:

Notice of partial small business set-aside, page ____, applies to Item _____ through Item _____ in this solicitation.

819.602-3 [Amended]

59. In 819.602-3, paragraphs (a), (b) and (c) are amended by removing "(93B)" each time it appears and adding, in its place, "(95B)"; and paragraph (d) is amended by removing "Office of Facilities" and adding, in its place, "Office of Facilities Management".

819.801 [Amended]

60. Section 819.801 is redesignated as 819.800; paragraph (b) is amended by removing "(005SB)" and adding, in its place, "(00SB)"; and paragraph (d) is amended by removing "15.804-2" and adding, in its place, "15.403-4".

61. Section 819.804 is amended by removing "19.804(b)" and adding, in its place, "19.804-2"; and by revising the section heading to read as follows:

819.804 Evaluation, offering, and acceptance.

62. Section 819.806-2 is redesignated 819.807; paragraph (b) is amended by removing "19.806-2(a)" and adding, in its place, "19.807"; and the section heading is revised to read as follows:

819.807 Estimating fair market price.

63. Section 819.806-3 is redesignated as 819.806; and the section heading is amended to read as follows:

819.806 Pricing the 8(a) contract.

819.807-70 [Amended]

64. Section 819.807-70 is amended by removing "Office of Facilities" and adding, in its place, "Office of Facilities Management"; by removing "the Veterans Health Services and Research Administration" and adding, in its place, "VHA medical facilities"; and by removing "(005SB)" each time it appears and adding, in its place, "(00SB)"; and the section heading for 819.807-70 is revised to read as follows:

819.807-70 Commitments of Office of Facilities Management funded projects for the 8(a) program.

819.7004 [Amended]

65. Section 819.7004 is amended by removing "and Labor Surplus Area set-asides".

PART 822—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

66. The authority citation for part 822 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

822.478 [Amended]

67. Section 822.478 is amended in paragraphs (a) and (b) by removing "Office of Facilities" each time it appears and adding, in its place, "Office of Facilities Management"; and in paragraphs (b) and (c) by removing "Deputy Assistant Secretary for Facilities" each time it appears and adding, in its place, "Chief Facilities Management Officer".

PART 825—FOREIGN ACQUISITION

68. The authority citation for part 825 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

825.102-70 [Amended]

69. Section 825.102-70 is amended by removing "(93)" in paragraphs (b) and (c) and adding, in its place, "(95)".

825.105 [Amended]

70. Section 825.105 is amended by removing "(93)" and adding, in its place, "(95)".

825.202-70 [Amended]

71. Section 825.202-70 is amended by removing "(93)" in paragraphs (b) and (c) and adding, in its place, "(95)"; and in paragraph (c) by removing "Deputy Assistant Secretary for Facilities (08)" and adding, in its place, "Chief Facilities Management Officer, Office of Facilities Management,".

825.203 [Amended]

72. Section 825.203 is amended by removing "(93)" and adding, in its place, "(95)"; and by removing "Deputy Assistant Secretary for Facilities" and adding, in its place, "Chief Facilities Management Officer, Office of Facilities Management,".

825.302-70 [Amended]

73. Section 825.302-70 is amended by removing "(93)" and adding, in its place, "(95)".

825.701 [Removed]

74. Section 825.701 is removed.

825.703 [Amended]

75. Section 825.703 is amended by removing "(93)" and adding, in its place, "(95)".

825.870 [Amended]

76. Section 825.870 is amended by removing "Director, VA Marketing Center" and adding, in its place, "Executive Director and Chief Operating Officer, VA National Acquisition Center".

825.902 [Redesignated as 825.901]

77. Section 825.902 is redesignated as 825.901; the text is designated as paragraph (a); paragraph (a) is amended by removing "Examination of Records Clause" should be omitted after all reasonable efforts to include the clause have failed, and providing that omission" and adding, in its place, "Audit and Records—Negotiation" clause with Alternate III should be used after all efforts to include the basic clause have failed, and provided that use of Alternate III"; by removing "25.903" and adding, in its place, "25.901"; by removing "(93)" and adding, in its place, "(95)"; by removing "25.903(a)(1)," and adding, in its place, "25.901(c)(1)."; by removing "or submit the report required by FAR 25.903(b)";

and the section heading is revised and paragraph (b) is added, to read as follows:

825.901 Omission of audit clause.

* * * * *

(b) All determinations to omit the "Audit and Records—Negotiation" clause will be supported by a determination and findings prepared by the contracting officer containing the information set forth in FAR 25.901(d). The completed determination and findings will be made a part of the contract file. One copy of the determination and findings will be forwarded to the Deputy Assistant Secretary for Acquisition and Materiel Management (95).

825.904 [Removed]

78. Section 825.904 is removed.

PART 828—BONDS AND INSURANCE

79. The authority citation for part 828 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

828.106–6 [Amended]

80. Section 828.106–6 is amended by removing "Office of Facilities" each time it appears and adding, in its place, "Office of Facilities Management".

828.7100 [Amended]

81. In 828.7100, paragraph (a) is amended by removing "4101" and adding, in its place, "7317" and paragraph (c) is amended by removing "4101(c)(3)(A)" and adding, in its place, "7317".

828.7101 [Amended]

82. In 828.7101 paragraph (b) is amended by removing "(93)" and adding, in its place, "(95)".

828.7102 [Amended]

83. In 828.7102, paragraph (a) introductory text is amended by removing "4101" and adding, in its place, "7303"; paragraph (a)(1) is amended by removing "Workmen's Compensation Acts" and adding, in its place, "worker's injury compensation laws"; and paragraph (b) introductory text is amended by removing "will" and adding, in its place, "must".

PART 831—CONTRACT COST PRINCIPLES AND PROCEDURES

84. The authority citation for part 831 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

831.7001–4 [Amended]

85. In 831.7001–4, paragraph (a) is amended by removing "The VA" and adding, in its place, "VA" and by removing "Veterans Health Services and Research Administration" and adding, in its place, "Veterans Health Administration"; and paragraph (b)(2) is amended by removing "Chief Medical Director" and adding, in its place, "Under Secretary for Health".

831.7001–5 [Amended]

86. In 831.7001–5 paragraph (b) is amended by removing "part 813 of this chapter or FAR 15.210(a)(1)" and adding, in its place, "the applicable provisions of parts 812, 813 or 815 of this chapter and FAR parts 12, 13, or 15".

PART 832—CONTRACT FINANCING

87. The authority citation for part 832 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

832.502–2 [Amended]

88. Section 832.502–2 is amended by removing "(93)" and adding, in its place, "(95)".

832.805–70 [Amended]

89. In 832.805–70, paragraph (b) is amended by removing "Marketing Divisions" and adding, in its place, "VA National Acquisition Center divisions".

PART 833—PROTESTS, DISPUTES, APPEALS

90. The authority citation for part 833 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

833.104 [Amended]

91. Section 833.104 is amended by removing "Acquisition Review Division" each time it appears in paragraphs (a)(1), (b), and (c), and adding, in its place, "Acquisition Resources Service"; by removing "33.104(a)(2)" in paragraph (a)(1) and adding, in its place, "33.104(a)(3)(ii)"; and by removing "33.104(a)(3)" in paragraph (a)(2) and adding, in its place, "33.104(a)(2)".

833.212 [Amended]

92. In 833.212, paragraph (a) is amended by removing "Acquisition Review Division" each time it appears and adding, in its place, "Acquisition Resources Service"; and paragraph (b)(4) is amended by removing "VABC" and adding, in its place, "VABCA".

PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

93. The authority citation for part 836 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

836.208 [Amended]

94. Section 836.208 is amended by removing "Chief Medical Director" and adding, in its place, "Under Secretary for Health" and by removing "Management for" and adding, in its place, "Management, for".

836.209 [Amended]

95. Section 836.209 is amended by removing "Chief Medical Director" and adding, in its place, "Under Secretary for Health".

836.602–2 [Amended]

96. In 836.602–2, paragraph (a) is amended by removing "Management will" and adding, in its place, "Management, will"; and paragraph (b) is amended by removing "Chief, Acquisition and Materiel Management Service," and adding, in its place, "head of the contracting activity".

836.606–72 [Amended]

97. Section 836.606–72 is amended by removing "Management or" and adding, in its place, "Management, or" and by removing "15.808" and adding, in its place, "15.406–3".

PART 837—SERVICE CONTRACTING

98. The authority citation for part 837 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

99. The heading for subpart 837.2 is revised to read as follows:

Subpart 837.2—Advisory and Assistance Services

100. Section 837.203 is revised to read as follows:

837.203 Policy.

For the purpose of this subpart the definition of advisory and assistance services shall, in addition to examples listed in FAR 37.203, include services to obtain peer review of research proposals.

101. In 837.270, paragraph (a) introductory text is amended by removing "consultant services" and adding, in its place, "advisory and assistance services" and by removing "801.670–14(a)" and adding, in its place, "801.670–5"; paragraph (a)(1) is amended by removing "Consultant services" and adding, in its place,

“Advisory and assistance services”; paragraph (a)(3) is amended by removing “4122” and adding, in its place, “7472”; paragraph (c) is amended by removing “Consulting services” and adding, in its place, “Advisory and assistance services”; paragraph (d) is amended by removing “In lieu of the requirements outlined in appendix A of this subpart 837.2, justifications” and adding, in its place, “Justifications”; and paragraph (e) is revised to read as follows:

837.270 Special controls for letters of agreement.

* * * * *

(e) Copies of all advisory and assistance services procurements accomplished through letters of agreement shall be provided to the local servicing purchase and contract office for entry into the Federal Procurement Data System.

837.271 through 837.271-4 [Removed]

102. Section 837.271 is removed including 837.271-1 through 837.271-4.

837.403 [Amended]

103. Section 837.403 is amended by removing “FAR part 13 and (VAAR) 48 CFR part 813” and adding, in its place, “FAR parts 12, 13, 14, or 15 and (VAAR) 48 CFR parts 812, 813, 814, or 815”.

837.7001 [Amended]

104. Section 837.7001 is amended by removing “903” and adding, in its place, “2303”.

837.7002 [Amended]

105. Section 837.7002 is amended by removing “personnel,” and adding, in its place, “personnel or other personnel designated by the medical center director to perform these functions.”.

106. In 837.7003, paragraph (a) is amended by removing “will forward to the Chief, Supply Service” and adding, in its place, “or the person designated by the medical center director to perform these functions, will forward to the head of the contracting activity”; paragraph (b) introductory text is amended by removing “Services, as follows” and adding, in its place, “Services, or VA Form 90-2138-ADP, Purchase Order for Supplies or Services, as follows”; paragraph (b)(5) is amended by removing “Veterans Health Services and Research Administration” and adding, in its place, “Veterans Health Administration”; paragraph (c) is amended by removing “903(a)(2)” and adding, in its place, “2303(a)(1)(B)”; paragraph (d) is amended by removing “Veterans Health Services and Research Administration” and adding, in its place, “Veterans Health

Administration” and is further amended by removing “representative, to be” and adding, in its place “representative, or the person designated by the medical center director to perform these functions, to be”; and paragraph (e) is revised to read as follows:

837.7003 Funeral authorization.

* * * * *

(e) The head of the contracting activity will assist the Chief, Medical Administration Service, or the person designated by the medical center director to perform these functions, in developing the local procedures specified in Veterans Health Administration Manual M-1, Part I, paragraph 14.37c.

PART 842—CONTRACT ADMINISTRATION

107. The authority citation for part 842 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

842.102 [Amended]

108. In 842.102, paragraph (b) is amended by removing “(91)” and adding, in its place, “(93)”.

842.202 [Amended]

109. Section 842.202 is amended by removing “(91)” and adding, in its place, “(95)” and by removing “FAR 30.401 for” and adding, in its place, “48 CFR 9904 (FAR Appendix B) for policy on”.

842.705 [Amended]

110. In 842.705, paragraph (b) is amended by removing “Office of Facilities” and by adding, in its place, “Office of Facilities Management”, by removing “General for Policy, Planning and Resources (53C)” each time it appears and adding, in its place, “General, Office of Departmental Reviews and Management Support (53C)”, by removing “Marketing Center” and adding, in its place, “VA National Acquisition Center”, and by removing “Deputy Assistant Secretary for Facilities” and adding, in its place, “Chief Facilities Management Officer”.

842.801-70 [Amended]

111. 842.801-70 is amended by removing “15.804-2” and adding, in its place, “15.403-4”, by removing “(93)” and adding, in its place, “(95)”, and by removing “General for Auditing” and adding, in its place, “General, Office of Audit”.

842.1203 [Amended]

112. Section 842.1203 is amended by removing “Office of General Counsel”

and adding, in its place, “Office of the General Counsel”.

PART 846—CONTRACT CLAUSES

113. The authority citation for part 846 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

846.408-70 [Amended]

114. In 846.408-70, paragraph (b) introductory text is amended by removing “Chief, Dietetics Service” and adding, in its place, “Chief, Nutrition and Food Service”.

846.408-71 [Amended]

115. In 846.408-71, paragraph (a) is amended by removing “Federal Hospital Subsistence Guide G-1” each time it appears and adding, in its place, “Part IV of the Federal Supply Catalog, Stock List, FSC Group 89, Subsistence, Publication No. C8900-SL”.

846.471 [Amended]

116. In 846.471, paragraph (a) is amended by removing “Director, Office of Construction,” and adding, in its place, “Chief Facilities Management Officer, Office of Facilities Management,”, and paragraph (b) is amended by removing “VHS&RA,”.

PART 847—TRANSPORTATION

117. The authority citation for part 847 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

847.303-1 [Amended]

118. In 847.303-1, paragraph (b) is amended by removing “Director, Monument Service” and adding, in its place, “Chief, Centralized Contracting Division”; and by removing “VA Form 40-4951, Order for Flat Bronze Marker” and adding, in its place, “VA Form 40-4952, Order for Headstone or Marker”.

847.305-70 [Amended]

119. Section 847.305-70 is amended by removing “VA Marketing Center” and adding, in its place, “VA National Acquisition Center”.

PART 849—TERMINATION OF CONTRACTS

120. The authority citation for part 849 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

849.106 [Amended]

121. Section 849.106 is amended by removing “Materiel Management will forward the submission” and adding, in its place, “Materiel Management or the

Chief Facilities Management Officer, Office of Facilities Management, will forward the submission"; by removing "(93)" each time it appears and adding, in its place, "(95)", by removing "Deputy Assistant Secretary for Facilities (08)" and adding, in its place, "Chief Facilities Management Officer", by removing "from the Office of Facilities" and adding, in its place, "from the Office of Facilities Management", and by removing "or the Office of Facilities" each time it appears and adding, in its place, "or the Chief Facilities Management Officer, Office of Facilities Management,".

849.107 [Amended]

122. Section 849.107 is amended by removing "Office of Facilities" and adding, in its place, "Office of Facilities Management", by removing "General for Policy, Planning and Resources (53C)" each time it appears and adding, in its place, "General, Office of Departmental Reviews and Management Support (53C)", by removing "Office of General Counsel" and adding, in its place, "Office of the General Counsel"; and by removing "(93D)" and adding, in its place, "(95)".

849.111-70 [Amended]

123. Section 849.111-70 is amended by removing "Deputy Assistant Secretary for Facilities" and adding, in its place, "Chief Facilities Management Officer".

849.111-72 [Amended]

124. In 849.111-72, paragraph (c) is amended by removing "Deputy Assistant Secretary for Facilities" and adding, in its place, "Chief Facilities Management Officer".

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

125. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

852.203-71 [Amended]

126. Section 852.203-71 is amended by removing "Office of the Inspector General" and adding, in its place, "Office of Inspector General".

852.211-70 [Amended]

127. In 852.211-70, paragraph (d) is amended by removing "852.210-70(a)"

each time it appears and adding, in its place, "852.211-70(a)" and by removing "VA Supply Depot,".

852.216-70 [Amended]

128. In 852.216-70 paragraph (a) is amended by removing "Marketing Center" and adding, in its place, "VA National Acquisition Center".

852.222-70 [Amended]

129. Section 852.222-70 is amended by removing "620" and adding, in its place, "1720".

852.236-88 [Amended]

130. Section 852.236-88 is amended in the introductory text by removing "15.804-2(a)(2)" and adding, in its place, "15.403-4(a)(2)" and in paragraphs (a) and (b) by removing "15.804" each time it appears and adding, in its place, "15.403", by removing "on Standard Form 1411 (SF 1411), Contract Pricing Proposal Cover Sheet, in accordance with FAR 15.804-6" each time it appears and adding, in its place, "in accordance with FAR 15.403-5".

131. In § 852.236-89, the introductory paragraph is amended by removing "Special Notice" will be inserted into the bid package, in front of SF 20, Invitation for Bids" and adding, in its place, "provision will be included in solicitations for construction that include FAR clause 52.225-5, Buy American Act—Construction Materials"; and paragraph (a) of the clause is revised to read as follows:

852.236-89 Buy American Act.

* * * * *

Buy American Act (Nov 1984)

(a) Reference is made to the clause entitled "Buy American Act—Construction Materials," FAR 52.225-5.

* * * * *

852.247-70 [Amended]

132. Section 852.247-70 is amended in the clause by removing "for not other" and adding, in its place, "for no other".

133. The section heading for 852.270-3 is revised to read as follows:

852.270-3 Purchase of shellfish.

852.271-73 [Amended]

134. Section 852.271-73 is amended in the clause by removing "Chief

Benefits Director" and adding, in its place, "Under Secretary for Benefits".

PART 853—FORMS

135. The authority citation for part 853 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

853.107 [Amended]

136. Section 853.107 is amended by removing "(91)" and adding, in its place, "(97)".

PART 870—SPECIAL PROCUREMENT CONTROLS

137. The authority citation for part 870 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

870.114-3 [Amended]

138. Section 870.114-3 is amended in the introductory text by removing "Director, Facilities Engineering Service (085E)" and adding, in its place, "Director, Network Program Support (10NB)".

870.114-4 [Amended]

139. Section 870.114-4 is amended by removing "VA Central Office, Facilities Engineering Service (085E)," and adding, in its place, "The Director, Network Program Support (10NB), VA Central Office,".

870-115 [Amended]

140. Section 870.115 is amended in paragraph (a) by removing "Dietetic Service" and adding, in its place, "Nutrition and Food Service".

PART 871—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND COUNSELING PROGRAMS

141. The authority citation for part 871 continues to read as follows:

Authority: 10 U.S.C. ch. 106, 107, 1606; 38 U.S.C. 501, ch. 30, 32, 35, 36, 37; 40 U.S.C. 486(c).

871.102 [Amended]

142. Section 871.102 is amended in paragraph (a) by removing "Officers VA" and adding, in its place, "Officers, VA".

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