

29.401-4 [Amended]

- 2. Amend section 29.401-4 in the list following paragraph (c)(1) by—
- a. Removing “United States Defense Special Weapons Agency” and adding “United States Defense Threat Reduction Agency” in its place;
- b. Removing “and” after “United States General Services Administration;” and
- c. Adding, in alphabetical order, “United States Missile Defense Agency; and”.

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DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 52**

[FAC 2001-22; Item VI]

**Federal Acquisition Regulation;
Technical Amendments**

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

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective Date:* April 5, 2004.

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. Please cite FAC 2001-22, Technical Amendments.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: March 26, 2004.

Laura Auletta,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR part 52 as set forth below:

**PART 52—SOLICITATION PROVISIONS
AND CONTRACT CLAUSES**

1. The authority citation for 48 CFR part 52 is revised to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

52.212-5 [Amended]

2. Amend section 52.212-5 by revising the date of the clause to read “(Apr 2004)” and in paragraph (b)(24) of the clause by removing “(Oct 2003)” and adding “(Dec 2003)” in its place.

52.213-4 [Amended]

3. Amend section 52.213-4 by revising the date of the clause to read “(Apr 2004)” and in paragraph (a)(1)(iv) of the clause by removing “(Oct 2003)” and adding “(Dec 2003)” in its place.

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DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1****Federal Acquisition Regulation; Small
Entity Compliance Guide**

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

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 2001-22 which amend the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2001-22 which precedes this document. These documents are also available via the Internet at <http://www.arnet.gov/far>.

FOR FURTHER INFORMATION CONTACT:

Laurie Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 2001-22

Item	Subject	FAR case	Analyst
I*	Government Property Disposal	1995-013	Parnell.
II	General Provisions of the Cost Principles	2001-034	Loeb.
III	Unique Contract and Order Identifier Numbers	2002-025	Zaffos.
IV	Unsolicited Proposals	2002-027	Wise.
V	New Mexico Tax—United States Missile Defense Agency	2003-020	Loeb.
VI	Technical Amendments.		

**Item I—Government Property Disposal
(FAR Case 1995-013)**

This final rule amends FAR Parts 1, 2, 8, 45, 49, 52, and 53 to simplify procedures, reduce recordkeeping, and eliminate requirements related to the disposition of Government property in the possession of contractors.

**Item II—General Provisions of the Cost
Principles (FAR Case 2001-034)**

This final rule amends the FAR to revise certain general provisions of the cost principles contained at FAR 31.201-1, Composition of total cost; FAR 31.201-2, Determining allowability; FAR 31.202, Direct costs; and FAR 31.203, Indirect costs. The rule revises the cost principles by improving clarity and structure, and removing

unnecessary and duplicative language. The final rule also adds the definition of “direct cost” and revises the definition of “indirect cost” at FAR 2.101, Definitions, to be consistent with the terminology used in the cost accounting standards (CAS). The case was initiated as a result of comments and recommendations received from industry and Government representatives during a series of public

meetings. This rule is of particular interest to contractors and contracting officers who use cost analysis to price contracts and modifications, and who determine or negotiate reasonable costs in accordance with a clause of a contract, *e.g.*, price revision of fixed-price incentive contracts, terminated contracts, or indirect cost rates.

Item III—Unique Contract and Order Identifier Numbers (FAR Case 2002–025)

The interim rule published in the **Federal Register** at 68 FR 56679, October 1, 2003, is converted to a final rule, without change, to require each reporting agency to assign a unique procurement instrument identifier (PIID) for every contract, purchase order, BOA, Basic Agreement, and BPA reported to the Federal Procurement Data System; and to have in place a process that will ensure that each PIID reported to FPDS is unique, Governmentwide, and will remain so for

at least 20 years from the date of contract award.

Item IV—Unsolicited Proposals (FAR Case 2002–027)

This final rule amends the FAR to implement section 834 of the Homeland Security Act of 2002 (Pub. L. 107–296). Section 834 adds new considerations concerning the submission, receipt, evaluation, and acceptance or rejection of unsolicited proposals. The rule will require that a valid unsolicited proposal not address a previously published agency requirement. It also requires that, before initiating a comprehensive evaluation, the agency must determine that the proposal contains sufficient cost related or price related information for evaluation, and that it has overall scientific, technical, or socioeconomic merit.

Item V—New Mexico Tax—United States Missile Defense Agency (FAR Case 2003–020)

This final rule amends FAR 29.401–4(c) to incorporate the Defense Missile

Agency as a participating agency within the terms and conditions stipulated in FAR 29.401–4, New Mexico Gross Receipts and Compensating Tax. This provision aims to eliminate the double taxation of Government cost reimbursement contracts when contractors and their subcontractors purchase tangible personal property to be used in performing services in the State of New Mexico and for which such property will pass to the United States.

Item VI—Technical Amendments

This amendment makes editorial changes at FAR 52.212–5(b)(24) and 52.213–4(a)(1)(iv).

Dated: March 26, 2004.

Laura Auletta,

Director, Acquisition Policy Division.

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