DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND
1777 HARDEE AVENUE SW
FORT McPHERSON, GEORGIA 30330-1062

REPLY TO ATTENTION OF

AFLG-PR

17 July 2001

MEMORANDUM FOR ALL FORSCOM DOCs

SUBJECT: Contracting Information Letter (CIL) #01-27, Removal of Department of the Army Regulation for Contractor Manpower Reporting Requirement (32 Code of Federal Regulations Part 668)

1. Reference e-mail HQ, FORSCOM, Ms. Toni Gaines, 16 July 2001, subject: Notification of Publication in CFR – CME Reporting.

2. This CIL forwards an e-mail message from Assistant Secretary of the Army, Acquisition, Technology and Logistics (SAAL-ZP), 13 July 2001, subject: Notification of Publication in CFR, (enclosure 1). The e-mail contains a copy of the Federal Register page that removes the DA regulation for Contractor Manpower Equivalent reporting requirements. Note that the effective date of this action is 13 July 2001. Please ensure that all of your contracting officers receive timely notification of this change.

3. Questions regarding this subject should be directed to the point of contact, Ms. Brenda Good Miller, DSN 367-6224 or e-mail: goodmilb@forscom.army.mil.

Encl
As

TONI M. GAINES
Acting Chief, Contracting Division, DSCLOG
Acting Principal Assistant Responsible
for Contracting

Good Miller, Brenda A. - DCSLOG

From: Lowman, Carol - DCSLOG
Sent: Monday, July 16, 2001 09:15
To: Good Miller, Brenda A. - DCSLOG
Cc: Gaines, Toni - DCSLOG; Thomas, Beverly - DCSLOG; Sullivan, Steve - DCSLOG; Eichhorn, Laura J. - DCSLOG
Subject: FW: Notification Of Publication in CFR

Brenda,

Here is the 343 removal as anticipated in Dr. Oscar's earlier memo. Please get out to the field. Thanks.
-----Original Message-----
From: Clarke, Emily Ms SAALT [mailto:emily.clarke@saalt.army.mil]
Sent: Friday, July 13, 2001 4:37 PM
To: POLICY CHIEFS/PARC Offices
Subject: FW: Notification Of Publication in CFR

Policy Chiefs ~
Forwarded for your information - The removal of 32 CFR Part 688 " Report On Use of Employees of Non-Federal Entities to Provide Services to The Department of the Army"

Emily Clarke
Director, Procurement and
Industrial Base Policy
DASA(P)
5109 Leesburg Pike
Skyline 6, Suite 302
Falls Church, VA 22041
(703) 681-1033
DSN 761-1033

-----Original Message-----
From: John R. Conklin [mailto:conklinj@erols.com]
Sent: Friday, July 13, 2001 11:25 AM
To: Oscar, Kenneth Dr SAALT; Edward G. Elgart, SES; Turner, Thomas LTC SAALT; LTC Michael A. McDaniel; Clarke, Emily Ms SAALT
Cc: Norsworthy, Levator Mr. OGC; Cassandra T Johnson, SA OGC
Subject: Fw: Notification Of Publication

FYI
----- Original Message -----
From: Ortiz, Luz, Ms., RMD, RMDA
To: Conklin, John R Mr SAALT ; Stroud, Sandra D Ms DAPE ; Anderson, John C Dr. ASA-MRA
Cc: 'conklinj@erols.com'
Sent: Friday, July 13, 2001 10:53 AM
Subject: Notification Of Publication

The removal of 32 CFR Part 688 " Report On Use of Employees of Non-Federal Entities to Provide Services to The Department of the Army" was published today, 13 Jul 01, in the Federal Register, page 36711 (see attachment).

Luz Ortiz
(703) 806-3708

Encl 1

(1) The overpayment was obtained by fraud, misrepresentation, or by improper negotiation of checks or withdrawal of electronic fund transfer payments after the death of the payee; or

(2) The overpayment was made to an estate and a timely demand for repayment is made prior to the final disbursement by the administrator or executor of the estate.

[FR Doc. 01–17545 Filed 7–12–01; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 668

Report On Use of Employees of Non-Federal Entities To Provide Services to Department of the Army

AGENCY: Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), and Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), Department of Army, DOD.

ACTION: Final rule.

SUMMARY: This action removes the Department of the Army regulations on Contractor Manhour Reporting Requirement. The Director of Defense Procurement directed the Department of the Army to withdraw the regulations pending approval of, and further rulemaking on, the repetitive use provisions employed in covered Army contracts. In addition, the Office of Management and Budget concluded that the final rule made significant changes to the interim rule in apparent conflict with the Paperwork Reduction Act.

DATES: Effective July 13, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. John R. Conklin, at *john.conklin@saalt.army.mil,* or Dr. John C. Anderson at 703–614–8247 or John.Anderson@hqda.army.mil.

SUPPLEMENTARY INFORMATION: 1. *Applicability:* No new contract actions containing the requirements cited in 32 CFR Part 668 may be awarded after the effective date of this rule. Contracting officers shall timely notify, in writing, all contractors whose existing contracts contain 32 CFR Part 668 requirements, that the requirement has been eliminated and that no further reporting is required under those contract actions. Any actual modification of such contracts to formally eliminate the requirement must take into account such issues as consideration and best interest of the Government on a case-by-case basis.

2. *Background:* The Department of the Army, in the **Federal Register** (65 FR 13906) dated Wednesday, March 15, 2000, announced an interim rule to establish and implement basic contractor-reporting requirements to identify the number and value of direct, and associated indirect, labor work year equivalents for contracted services in support of the Army. This requirement was Army's implementation of statutory mandates and FY 2000 Congressional data requirements (10 U.S.C. 129a, 10 U.S.C. 2461(g) and Section 343 of the FY 2000 DoD Authorization Act).

Army contracting officers were directed to include the reporting requirements in all covered contracts involving services for Research and Development or Other Services and Construction. The interim rule was effective on the date of publication. A final rule, published at 65 FR 81357–81362, December 26, 2000, codified regulations at 32 CFR Part 668 that mandated the inclusion of a reporting requirement in certain contract actions as described in the rule.

As a result of a number of legal and technical/procedural issues and significant complaints from industry about the scope and methodology of the Army final rule and the rulemaking process, the Director of Defense Procurement (DDP) in memorandums dated May 5, and June 5, 2001, directed the Army to cease using the standard contract requirements language ("repetitive use clause") in covered contracts absent approval by the DDP and rulemaking in 40 CFR (covering acquisition regulations supplementing and implementing the Federal Acquisition Regulations System). The Office of Management and Budget concluded that the final rule made significant changes to the interim rule without changing the Paperwork Reduction Act estimates and assumptions, and without allowing for additional public comment thereon, in apparent conflict with the requirements of the Paperwork Reduction Act.

Based on the foregoing, the Army hereby removes the resulting regulations from the Code of Federal Regulations (32 CFR Part 668).

General: The Army's requirement for information on unit level contractor manpower equivalents, as stated in the December 26, 2000, final rule, remains. The Army needs this information for a host of reasons, including planning, programming and budgeting, and priortization and allocation of resources. From March 2000 to the present, the Army collected over $9.2 billion in contract data from approximately 1,200 contractors. Although this data has yet to be validated and analyzed in depth, initial indications are that the numbers of contract manpower equivalents reported by contractors were lower (for the associated values) than those estimated employing algorithms currently used by the Department of the Army and the Department of Defense for reporting to Congress.

List of Subjects in 32 CFR Part 668

Government contracting, Reporting and recordkeeping requirements.

PART 668—[REMOVED AND RESERVED]

Accordingly, for the reasons set out in the preamble, 32 CFR Chapter V, Subchapter L, Part 668, *Contractor Manhour Reporting Requirement,* is removed in its entirety.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–17613 Filed 7–12–01; 8:45 am]

BILLING CODE 3710–08–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

Miscellaneous Rules Relating to Common Carriers

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 40 to 69, revised as of Oct. 1, 2000, in § § 64.2103, 64.2104 and 64.2105 remove the effective date note.

[FR Doc. 01–55520 Filed 7–12–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No.010710169–1169–01; I.D. 060401B]

RIN 0648–AP31

Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency rule; request for comments.