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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

48 CFR Parts 4, 25, and 52

[FAC 2005-69; FAR Case 2012-030; Item II; Docket 2012-0030, Sequence 1]

RIN 9000-AM44

Federal Acquisition Regulation; Iran Threat Reduction

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

**ACTION:** Final rule.

**SUMMARY:** DoD, GSA, and NASA have adopted as final, with minor changes, the interim rule amending the Federal Acquisition Regulation (FAR) to require certifications that implement the expansion of sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps, as contained in titles II and III of the Iran Threat Reduction and Syria Human Rights Act of 2012.

**DATES:** Effective: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER.]

**FOR FURTHER INFORMATION CONTACT:** Ms. Cecelia L. Davis, Procurement Analyst, at 202-219-0202, for clarification of content. For information pertaining to status or

publication schedules, contact the Regulatory Secretariat at 202-501-4755. Please cite FAC 2005-69, FAR Case 2012-030.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD, GSA, and NASA published an interim rule in the Federal Register at 77 FR 73516, on December 10, 2012, to implement sections of titles II and III of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Pub. L. 112-158), enacted August 10, 2012.

The public comment period closed on February 8, 2013. One respondent submitted a comment.

**II. Discussion and Analysis**

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comment in the development of the final rule. A discussion of the comment and the changes made to the rule as a result of the comment is provided as follows:

**A. Summary of significant changes**

There are no significant changes to the FAR as a result of this final rule.

**B. Analysis of public comment**

Comment: One respondent commented that boycotts rarely work. The respondent supported military action against Iran to destroy their nuclear arms program.

Response: This rule implements the expansion of sanctions relating to the energy sector of Iran and sanctions with respect to Iran's Revolutionary Guard Corps, as contained in titles II and III of the Iran Threat Reduction and Syria Human Rights Act of 2012. The respondent's recommendation is outside the scope of the rule and the authority of the FAR and acquisition community.

### **C. Other changes**

The final rule corrects the title of the Act at FAR 25.700(c) to read "Iran Threat Reduction and Syria Human Rights Act of 2012". The final rule also corrects the website address at FAR 25.703-3 and 52.213-3 to read <http://www.acquisition.gov>.

### **III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory

Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### **IV. Regulatory Flexibility Act**

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not 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 this rule will only have significant impact on an offeror that is engaging in an activity for which sanctions may be imposed under section 5 of the Iran Sanctions Act or certain transactions with Iran's Revolutionary Guard Corps. Domestic entities generally do not engage in activity that would cause them to be subject to the procurement bans described in this rule due to current restrictions on trade with Iran (see, e.g., Department of Treasury Office of Foreign Assets Control regulations at 31 CFR 560). Accordingly, it is expected that the number of domestic entities significantly impacted by this rule will be minimal, if any. The Regulatory Flexibility Act is for the protection of United States small entities, not foreign entities.

#### **V. Paperwork Reduction Act**

The final rule does not contain any information collection requirements that require the approval of the

Office of Management and Budget under the Paperwork  
Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 4, 25, and 52**

Government procurement.

Dated: July 26, 2013

William Clark,  
Acting Director,  
Office of Government-wide  
Acquisition Policy,  
Office of Acquisition Policy,  
Office of Government-wide Policy.

**INTERIM RULE ADOPTED AS FINAL WITH CHANGES**

Accordingly, the interim rule amending 48 CFR parts 4, 25, and 52, which was published in the Federal Register at 77 FR 73516, December 10, 2012, is adopted as final with the following changes:

1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137;  
and 51 U.S.C. 20113.

**PART 25—FOREIGN ACQUISITION**

**25.700 [Amended]**

2. Amend section 25.700 by removing from paragraph (c) "Reduction Act" and adding "Reduction" in its place.

**25.703-3 [Amended]**

3. Amend section 25.703-3 by removing from paragraph (a) "https://www.acquisition.gov" and adding "http://www.acquisition.gov" in its place.

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

4. Amend section 52.212-3 by revising the date of the provision and by removing from the introductory text and paragraph (b) (2) "https://www.acquisition.gov" and adding "http://www.acquisition.gov" in its place.

The revision reads as follows:

**52.212-3 Offeror Representations and Certifications—  
Commercial Items.**

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OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS  
( [**INSERT Abbreviated Month and Year of DATE OF PUBLICATION**  
**IN THE FEDERAL REGISTER** ] )

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[BILLING CODE 6820-EP]

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