



DEPARTMENT OF COMMERCE

48 CFR Chapter 13

[Docket No. 260317-0083]

RIN 0605-AA87

Commerce Acquisition Regulation; Minor Amendments

AGENCY: Department of Commerce (Commerce).

ACTION: Final rule.

SUMMARY: By this rule, Commerce amends its agency-specific acquisition regulation by updating or removing certain outdated and unnecessary regulatory language, by moving a subpart to better track and correspond with the structure of the government-wide Federal Acquisition Regulation, and by correcting a typographical error. This action is intended to update, correct, and streamline Commerce's agency-specific acquisition regulation and make it easier to navigate, thereby promoting efficiency, without creating or altering any entitlements, restrictions, or obligations.

DATES: The rule is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Senior Counsel, Office of the General Counsel, at (202) 482-1395.

SUPPLEMENTARY INFORMATION: This action amends 48 CFR Chapter 13, which contains Commerce's agency-specific acquisition regulation (CAR). The CAR supplements, and generally corresponds with, the Federal Acquisition Regulation (FAR) found at 48 CFR Chapter 1. This action amends the CAR in the following ways.

First, this action updates § 1301.105-3, which addresses how the public can obtain copies of the CAR. *See* 48 CFR 1301.105-3. Currently, § 1301.105-3 indicates that copies of the CAR may be purchased from the Superintendent of Documents at the Government Printing Office, and

that the CAR is available online at a provided link. But the described superintendent is no longer the appropriate point of contact for purchasing copies of the CAR, and the provided link is no longer active. This action revises § 1301.105-3 to simply identify the correct, current method of obtaining printed copies of the CAR: by purchasing them from the Bookstore of the Government Publishing Office. The contents of the CAR, which are codified at 48 CFR Chapter 13, can be accessed and viewed online in the eCFR.

Second, this action removes § 1301.304, which states that “[o]perating unit counsel shall limit issuance of directives that restrain the flexibilities found in the FAR.” 48 CFR 1301.304. This language essentially restates 48 CFR 1.304(a), which requires agencies to “control and limit issuance of agency acquisition regulations and, in particular, local agency directives that restrain the flexibilities found in the FAR.” Upon review, Commerce finds it sufficiently clear, without any restatement needed, that Commerce’s operating unit counsel must adhere to the requirement set forth broadly by § 1.304(a).

Third, this action corrects the spelling of the word “Definitions” in the part heading of part 1302.

Fourth, this action removes § 1303.101-3, which states that “[Commerce] has issued rules implementing Executive Order 11222 prescribing employee standards of conduct (see DOC Office of [the] General Counsel Web site).” 48 CFR 1303.101-3. This language is referring to 15 CFR part 0, which Commerce removed in its entirety via final rule on January 15, 2026 (91 FR 1674), given its near-total overlap with the government-wide employee conduct regulations in Title 5 of the Code of Federal Regulations. Thus, the removal of § 1303.101-3 will properly reflect the removal of part 0.

Fifth, this action updates § 1322.1001 by removing a reference to an official position that no longer exists within Commerce (*i.e.*, the Assistant General Counsel for Administration/Employment & Labor Law Division) and replacing it with the appropriate, current position (*i.e.*, the Deputy General Counsel for Administration).

Sixth, this action removes the drug-free workplace requirements from part 1323 and moves them to part 1326, to better track and correspond with the FAR (specifically, 48 CFR part 26 and subpart 26.5) and thereby make it easier to locate and understand the drug-free workplace requirements of the CAR. This action also makes a conforming edit to the heading of part 1323, to account for the removal of the described requirements from that part.

In sum, this action makes a series of minor updates, corrections, and other amendments to the CAR to promote accuracy, simplicity, and efficiency. None of these changes is expected to create or alter any entitlements, restrictions, or obligations.

REGULATORY CLASSIFICATIONS

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), Commerce finds good cause to waive the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this final rule. Commerce considers this rule to be uncontroversial, and has determined that prior notice and opportunity for public participation is unnecessary, because this rule only makes minor updates, corrections, and amendments to the CAR that do not create or alter any entitlements, restrictions, or obligations. These changes are consistent with the FAR, the underlying statutory authority, and Commerce's broader regulatory policies; public participation would not justify the continued maintenance of any of the outdated, inaccurate, misplaced, and/or otherwise unwarranted regulatory language at issue. For the same reasons, Commerce has determined that delaying the effectiveness of these amendments would be contrary to the public interest. The changes described above will immediately promote accuracy, simplicity, and efficiency—thereby benefiting the public—at little to no cost. Commerce therefore finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d).

B. Executive Orders 12866, 14192, and 13132

The Office of Management and Budget has determined this rule is not significant

pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

C. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

D. Paperwork Reduction Act

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects

48 CFR Part 1301

Acquisition regulations, Federal acquisition regulations, Government procurement, Government contracts, Procurement, Reporting and recordkeeping requirements.

48 CFR Part 1302

Definitions, Government procurement, Terms.

48 CFR Part 1303

Antitrust, Conflict of interests, Ethical conduct, Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 1322

Age, Child labor, Civil rights, Equal employment opportunity, Government procurement, Individuals with disabilities, Labor, Labor disputes, Prisoners, Reporting and recordkeeping requirements, Veterans, Wages, Work stoppages.

48 CFR Part 1323

Affirmative procurement program, Air pollution control, Energy conservation, Environmental, Government procurement, Hazardous substances, Recycling, Renewable energy, Water pollution control.

48 CFR Part 1326

Disaster assistance, Drug abuse, Drug-free workplace, Government procurement.

Dated: March 27, 2026.

Jennifer Hesch,
*Acting Deputy Assistant Secretary for Administration
performing the non-exclusive functions and
duties of the Chief Financial Officer and
Assistant Secretary for Administration*

For the reasons stated in the preamble, the Department of Commerce amends 48 CFR chapter 13 as follows:

Chapter 13—Department of Commerce

Subchapter A—General

PART 1301—DEPARTMENT OF COMMERCE ACQUISITION REGULATIONS SYSTEM

1. The authority citation for part 1301 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

Subpart 1301.1—Purpose, Authority, Issuance

2. Revise § 1301.105-3 to read as follows:

§ 1301.105-3 Copies.

Copies of the FAR in CFR form may be purchased from the Bookstore of the Government Publishing Office (GPO), Washington, DC 20402.

Subpart 1301.3—Agency Acquisition Regulations

§ 1301.304 [Removed and Reserved]

3. Remove and reserve § 1301.304.

PART 1302—DEFINITIONS OF WORDS AND TERMS

4. The authority citation for part 1302 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

5. Revise the heading for part 1302 to read as set forth above.

PART 1303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

6. The authority citation for part 1303 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

Subpart 1303.1—Safeguards

§ 1303.101-3 [Removed and Reserved]

7. Remove and reserve § 1303.101-3.

Subchapter D—Socioeconomic Program

PART 1322—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

8. The authority citation for part 1322 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

Subpart 1322.10—Service Contract Act of 1965, as Amended

9. Revise § 1322.1001 to read as follows:

§ 1322.1001 Definitions.

The DOC labor advisor is the Deputy General Counsel for Administration.

PART 1323—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, AND OCCUPATIONAL SAFETY

10. The authority citation for part 1323 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

11. Revise the heading for part 1323 to read as set forth above.

Subpart 1323.5—[Removed and Reserved]

12. Remove and reserve subpart 1323.5.

PART 1326—OTHER SOCIOECONOMIC PROGRAMS

13. The authority citation for part 1326 continues to read as follows:

Authority: 41 U.S.C. 414; 48 CFR 1.301-1.304.

14. Add subpart 1326.5, consisting of § 1326.5, to read as follows:

Subpart 1326.5—Drug-Free Workplace

§ 1326.5 Suspension of payments, termination of contract and debarment and suspension actions.

The designee authorized to waive a determination to suspend contract payments, terminate a contract for default, or debar or suspend a contractor for Drug-Free Workplace violations, is set forth in CAM 1301.70. This authority may not be delegated.

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