



## Weekly Report for July 1, 2016

### ***SMALL BUSINESS ADMINISTRATION***

#### **Affiliation for Business Loan Programs and Surety Bond Guarantee Program**

This final rule amends the regulations pertaining to the determination of size eligibility based on affiliation by creating distinctive requirements for small business applicants for assistance from the Business Loan, Disaster Loan and Surety Bond Guarantee Program. For purposes of this rule, the Business Loan Programs consist of the 7(a) Loan Program, the Microloan Program, the Intermediary Lending Pilot Program, and the Development Company Loan Program. This rule redefines and establishes separate affiliation guidance applicable only to small business applicants in these programs, [81 Fed. Reg. 41423](#). This rule is effective July 27, 2016.

### ***GOVERNMENT CONTRACTS***

#### **Acquisition Threshold for Special Emergency Procurement Authority**

DOD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Defense Authorization Act for Fiscal Year 2016 to increase the simplified acquisition threshold for special emergency procurement authority from \$300,000 to \$750,000 (within the United States) and from \$1 million to \$1.5 million (outside the United States), [81 Fed. Reg. 39882](#). Comments to this proposed amendment are due by August 19, 2016.

#### **Amendment to the Defense Federal Acquisition Regulation Supplement**

DOD issued a final rule amending the DFARS to delete the supplemental coverage for the definition "simplified acquisition threshold." This supplemental definition was included in DFARS when there was no existing coverage in the FAR. The simplified acquisition threshold for humanitarian or peacekeeping operations has been added to the FAR under final rule 2015-020. There is no need to duplicate the definition in the DFARS; therefore, this rule removes the supplemental definition at DFARS part 202, [81 Fed. Reg. 42556](#). This rule became effective on June 30, 2016.

#### **Pilot Program on Acquisition of Military Purpose Non-developmental Items**

DOD issued an interim rule amending the DFARS to implement Section 892 of the National Defense Authorization Act for Fiscal Year 2016. Section 892 removes the requirements for the use of competitive procedures and for awards to be made to

nontraditional defense contractors under the Pilot Program on Acquisition of Military Purpose Non-developmental Items. Section 892 also increases the threshold for use of the pilot program to contracts up to \$100 million, [81 Fed. Reg. 42557](#). This interim rule is effective June 30, 2016. Comments on the interim rule are due by August 29, 2016.

### **Defense Contractors Performing Private Security Functions**

DOD issued a final rule amending the DFARS to consolidate all requirements for contractors performing private security functions outside the United States applicable to DOD contracts in the DFARS and make changes regarding applicability and high-level quality assurance standards, [81 Fed. Reg. 42559](#). This final rule became effective on June 30, 2016.

### **Treatment of Interagency and State and Local Purchases**

DOD issued a final rule amending the DFARS to implement a section of the National Defense Authorization Act for Fiscal Year 2016 that is entitled "Treatment of Interagency and State and Local Purchases." This section provides that contracts executed by DOD as a result of the transfer of contracts from GSA, or for which DOD serves as an item manager for products on behalf of GSA, shall not be subject to certain domestic source restrictions, to the extent that such contracts are for the purchase of products by other federal agencies, or state or local governments, [81 Fed. Reg. 42562](#). This final rule became effective on June 30, 2016.

### **Contract Financing**

DOD is proposing to amend the DFARS regarding the use of customary contract financing, other than loan guarantees and advance payments, identified in FAR part 32, on fixed-price contracts with a period of performance in excess of one year that meet the dollar thresholds established in FAR 32.104(d), [81 Fed. Reg. 42607](#). Comments on the proposed amendment are due by August 29, 2016.

### **Administrative Cost to Issue and Administer a Contract**

DOD is proposing to amend the DFARS to implement a policy that addresses the government's cost to award and administer a contract, for the purpose of evaluating bids for multiple awards, [81 Fed. Reg. 42608](#). Comments on the proposed rule are due by August 29, 2016.

## ***BUREAU OF INDIAN AFFAIRS***

### **Civil Penalties Inflation Adjustments**

The Bureau of Indian Affairs, Interior has issued an interim final rule adjusting the level of civil monetary penalties contained in Indian Affairs regulations with an initial "catch-up" adjustment under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statutes, [81 Fed. Reg. 42478](#). This interim final rule is effective on August 1, 2016, and comments are due by August 29, 2016.