

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[OMB Control No. 9000-0007]

**Proposed Collection; Comment
Request Entitled Summary
Subcontract Support**

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

ACTION: Notice of request for public comments regarding a revision of an existing OMB clearance (9000-0007).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a currently approved information collection requirement concerning Summary Subcontract Report.

DATES: Comment Due Date: July 8, 1997.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000-0007, Summary Subcontract Report, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Office of Federal Acquisition Policy, GSA (202) 501-4764.

SUPPLEMENTARY INFORMATION:**A. Purpose**

The proposed rule contemplates revisions to the FAR to implement the Department of Justice (DOJ) proposal to reform affirmative action in Federal procurement. DOJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097 (1995). In *Adarand*, the Supreme Court extended strict judicial scrutiny to Federal affirmative action programs that use racial or ethnic criteria as a basis for decisionmaking. In Federal procurement, this means that any use of race in the decision to award a contract

is subject to strict scrutiny. Under strict scrutiny, any Federal programs that make race a basis for contract decisionmaking must be narrowly tailored to serve a compelling government interest.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 16.77 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, 4,253; responses per respondent, 1.66; total annual responses, 7,098; preparation hours per response, 16.77; and total response burden hours, 119,070.

Obtaining Copies of Justifications

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRs), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0007, Summary Subcontract Support, in all correspondence.

Dated: April 22, 1997.

Sharon A. Kiser,

FAR Secretariat.

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DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

[FAR Case 97-004]

**Comment Request; Proposed
Collection Entitled Reform of
Affirmative Action in Federal
Procurement**

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

ACTION: Notice of request for public comments regarding a new information collection requirement.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat plans to submit to the Office of Management and Budget (OMB) a request to review and approve a new

information collection requirement concerning Reform of Affirmative Action in Federal Procurement (FAR Case 97-004).

DATES: Comment Due Date: July 8, 1997.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite FAR case 97-004, Reform of Affirmative Action in Federal Procurement, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Moss, Office of Federal Acquisition Policy, GSA (202) 501-4764.

SUPPLEMENTARY INFORMATION:**A. Purpose**

The proposed rule contemplates revisions to the FAR to implement the Department of Justice (DOJ) proposal to reform affirmative action in Federal procurement. DOJ's proposal is designed to ensure compliance with the constitutional standards established by the Supreme Court in *Adarand Constructors, Inc. v. Peña*, 115 S.Ct. 2097. In *Adarand*, the Supreme Court extended strict judicial scrutiny to Federal affirmative action programs that use racial or ethnic criteria as a basis for decisionmaking. In Federal procurement, this means any use of race in the decision to award a contract is subject to strict scrutiny. Under strict scrutiny, any Federal programs that make race a basis for contract decisionmaking must be narrowly tailored to serve a compelling Government interest.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 2.09 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents 20,430; responses per respondent, 8.97; total annual responses, 182,470; preparation hours per response, 2.09; and total response burden hours, 381,305.

Obtaining Copies of Justifications

Requester may obtain a copy of the justification from the General Services

Administration, FAR Secretariat
(MVRs), Room 4037, 1800 F Street, NW,
Washington, DC 20405, telephone (202)
501-4755. Please cite FAR case 97-004,
Reform of Affirmative Action in Federal
Procurement, in all correspondence.

Dated: April 17, 1997.

Sharon A. Kiser,

FAR Secretariat.

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