payments by EFT under their contracts when EFT becomes the standard method of contract payment. Based on fiscal years 1991 and 1992 data for contracts over \$25,000, if fully implemented, EFT as a method of payment would affect nearly 22,000 small businesses who received over 86,000 new contract awards. An Initial Regulatory Flexibility Analysis (IRFA) has been performed. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy for the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601 et seq. (FAR case 91-118), in all correspondence.

## C. Paperwork Burden

Under the provisions of the Paperwork Reduction Act of 1995 (Pub.L. 104–13), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement under Section 3507(d) of the Act concerning Payment by Electronic Fund Transfer.

Dates: Comments may be submitted on or before December 4, 1995.

Addresses: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503 and a copy to the FAR Secretariat at the address listed below for comments on the proposed rule.

Annual Reporting Burden: Public reporting burden for this collection of information is estimated to average .5 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to General Services Administration, FAR Secretariat, 18th & F Streets, NW., Room 4037, Washington, DC 20405, and to the FAR Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The annual reporting burden is estimated to be \$2,235,000 as a result of the following estimated number of hours of labor for compliance: Respondents, 31,000; responses per respondent, 10; total annual responses,

310,000; preparation hours per response, .5; and total response burden hours, 155,000.

List of Subjects in 48 CFR Parts 32 and 52

Government procurement.

Dated: September 27, 1995.

C. Allen Olson,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 32 and 52 be amended as set forth below:

## PART 32—CONTRACT FINANCING

1. The authority citation for 48 CFR parts 32 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473.

2. Section 32.902 is amended by adding the definition of "Specified payment date" in alphabetical order to read as follows:

## 32.902 Definitions.

\* \* \* \* \*

Specified payment date means, for a payment by electronic fund transfer (EFT), the date which the Government has placed in the EFT payment transaction instruction given to the Federal Reserve System, as the date on which the funds are to be transferred to the contractor's financial agent (see 32.911-3). However, a specified payment date mut be a valid date under the rules of the Federal Reserve System. For example, if the Federal Reserve System requires two days' notice before a specified payment date to process a transaction, release to the Federal Reserve Bank of a payment transaction instruction one day before the specified payment date could not constitute a valid date under the rules of the Federal Reserve System.

3. Section 32.908 is amended by revising paragraph (d) and adding paragraph (e) to read as follows:

# 32.908 Contract clauses.

\* \* \* \* \*

- (d) The contracting officer shall insert the clause at section 52.232–00, Mandatory Information for Electronic Fund Transfer Payment, in all solicitations and contracts unless instructed not to by the cognizant payment office.
- (e) The contracting officer shall insert the clause at section 52.232–01, Optional Information for Electronic Fund Transfer Payment, in all solicitations and contracts not containing the clause at section 52.232–00.

#### 32.910 [Reserved]

- 4. Section 32.910 is reserved.
- 5. Sections 32.911 through 32.911–4 are added to read as follows:

# 32.911 Payment by electronic fund transfer (EFT).

#### 32.911-1 Policy.

(a) The decision as to which clause is to be included in a contract is that of the office responsible for making payment on the contract per 31 CFR part 206. Normally, the payment office will notify the contracting office of which clause to use. However, when in doubt, the contracting officer shall consult with the payment office. (Note: If the certifying and disbursing functions are separated, the decision as to which clause to use shall be made by the office performing the disbursing function.)

(b) Contracting officers shall not commit the Government to use or not use EFT, but shall refer all contractor requests to the payment office. When authorized by agency regulations, the payment office has the authority not to exercise the Government's right to require submission of EFT information.

(c) The clause at section 52.232–00 contains the terms and conditions for payment by EFT and permits the Government to refuse to make any payments until the contractor submits the information needed to make payment by EFT.

(d) The clause at section 52.232–01 states the terms and conditions for EFT payment if the contractor should request that the Governor use EFT for payment.

(e) If more than one payment office will be making payments on a contract, the contracting officer shall include the EFT clause appropriate for each office and shall identify the applicability by payment office and contract line item.

# 32.911-2 EFT information.

To protect against improper disclosure of a contractor's EFT information, the clauses at section 52.232–00 and section 52.232–01 require the contractor to submit such information directly to the payment office. However, if the information is inadvertently sent to the contracting officer, the information shall be protected and delivered immediately to the designated payment office.

# 32.911-3 Prompt payment.

The information provided to the Federal Reserve system that constitutes the Government's order to pay the contractor includes a specified payment date. The valid specified payment date is the date of payment for prompt payment purposes, whether or not the Federal Reserve system actually makes