

data or restricted computer software. If the Government does not receive unlimited rights, the offeror must provide a list of the data that qualify as limited rights data or restricted computer software. The offeror would identify any proprietary data it would use during contract performance, in order that the contracting officer might ascertain if such proprietary data should be delivered.

- *FAR 52.227–16, Additional Data Requirements.* This clause requires contractors to keep, for possible delivery to the Government, any data, in addition to data already required to be delivered under the contract, first produced or specifically used in performance of the contract for a period of three years from the final acceptance of all items delivered under the contract. The data delivered under this clause may be in the form of computations, preliminary data, records of experiments, etc. For any data to be delivered under this clause, the Government will pay the contractor for converting the data into a specific form, and for reproducing and delivering the data. The purpose of such recordkeeping requirements is to ensure that, if all data requirements are not known prior to contract award, the Government can fully evaluate the research in order to ascertain future activities and to insure that the research was completed and fully reported, as well as to give the public an opportunity to assess the research results and secure any additional information.

- *FAR 52.227–17, Rights in Data-Special Works.* This clause is included in solicitations and contracts primarily for production or compilation of data. It is used in rare and exceptional circumstances to permit the Government to limit the contractor's rights in data by preventing the release, distribution, and publication of any data first produced in the performance of the contract. This clause may also be limited to particular items and not the entire contract. This clause requires contractors to assign (with or without registration), or obtain the assignment of, the copyright to the Government or its designated assignee.

- *FAR 52.227–18, Rights in Data-Existing Works.* This clause is used when the Government is acquiring existing audiovisual or similar works, such as books, without modification. This clause requires contractors to obtain license for the Government to reproduce, prepare derivative works, and perform and display publicly the materials.

- *FAR 52.227–19, Commercial Computer Software License.* This clause requires contractors to affix a notice on

any commercial software delivered under the contract that provides notice that the Government's rights regarding the data are set forth in the contract.

- *FAR 52.227–20, Rights in Data-SBIR Program.* This clause authorizes contractors under Small Business Innovation Research (SBIR) contracts to affix a notice to SBIR data delivered under the contract to limit the Government's rights to disclose data first produced under the contract. Contractors shall obtain from their subcontractors all data and rights necessary to fulfill the contractor's obligations to the Government under the contract. If a subcontractor refuses to accept terms affording the Government those rights, the contractor shall notify the contracting officer of the refusal.

- *FAR 52.227–21, Technical Data Declaration, Revision, and Withholding of Payment-Major Systems.* This clause requires major systems contractors to certify that the data delivered under the contract is complete, accurate, and compliant with the requirements of the contract.

- *FAR 52.227–23, Rights to Proposal Data (Technical).* This clause allows the Government to identify pages of a proposal that would not be subject to unlimited rights in the technical data.

### C. Annual Burden

*Respondents/Recordkeepers:* 2,106.

*Total Annual Responses:* 5,999.

*Total Burden Hours:* 5,999. (1,403 reporting hours + 4,596 recordkeeping hours).

### Obtaining Copies

Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite OMB Control No. 9000–0090, Rights in Data and Copyrights.

**William F. Clark,**

*Director, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

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**BILLING CODE 6820–EP–P**

## OFFICE OF GOVERNMENT ETHICS

### Announcement of Office of Government Ethics Guidance Portal

**AGENCY:** Office of Government Ethics.

**ACTION:** Notice of new guidance portal.

**SUMMARY:** The U.S. Office of Government Ethics (OGE) is publishing this notice to announce a new guidance portal on its website for guidance

documents, as required by Executive Order 13891 “Promoting the Rule of Law Through Improved Agency Guidance Documents.”

**DATES:** The guidance portal is accessible by the public on the date of publication of this notice: July 29, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Patrick J. Lightfoot, Assistant Counsel, U.S. Office of Government Ethics, Telephone: 202–482–9300.

**SUPPLEMENTARY INFORMATION:** Executive Order 13891 “Promoting the Rule of Law Through Improved Agency Guidance Documents” requires each agency to establish or maintain on its website a guidance portal that contains or links to all guidance documents in effect issued by that agency. Guidance documents are defined by the Executive Order, subject to certain exclusions, as agency statements of general applicability, intended to have future effect on the behavior of regulated parties, that set forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation.

The Office of Management and Budget (OMB) issued Memorandum M–20–02, “Guidance Implementing Executive Order 13891, Titled ‘Promoting the Rule of Law Through Improved Agency Guidance Documents’” on October 31, 2019. OMB’s memorandum directed agencies to establish a guidance portal and publish a notice in the **Federal Register** announcing it. Accordingly, this notice announces that OGE has established its guidance portal at: <https://www.oge.gov/guidance>.

The guidance portal notes that guidance documents do not have the force and effect of law, except as authorized by law or as incorporated into a contract. However, to the extent that a guidance document provides an interpretation of the government ethics laws and regulations or concerns aspects of ethics program management, guidance documents are controlling within the executive branch. Guidance documents not included in the guidance portal will not be cited to, used, or relied on by OGE, except to establish historical facts.

Approved: July 23, 2020.

**Emory Rounds,**

*Director, U.S. Office of Government Ethics.*

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