

**Subpart 217.72 [Removed and Reserved]**

12. Subpart 217.72 is removed and reserved.

13. Section 217.7404–5 is amended by revising paragraphs (b)(1) and (2) to read as follows:

**217.7404–5 Exceptions.**

\* \* \* \* \*

(b) \* \* \*

(1) A contingency operation; or  
(2) A humanitarian or peacekeeping operation.

**217.7404–6 [Amended]**

14. Section 217.7404–6 is amended in the introductory text by removing “agency” and adding in its place “contracting activity”.

**217.7405 [Removed]**

15. Section 217.7405 is removed.

**217.7406 [Redesignated]**

16. Section 217.7406 is redesignated as section 217.7405.

17. Section 217.7500 is amended by removing the parenthetical “(as defined in appendix E)”.

**217.7501 through 217.7504 [Redesignated]**

18. Sections 217.7501 through 217.7504 are redesignated as sections 217.7502 through 217.7505, respectively.

19. A new section 217.7501 is added to read as follows:

**217.7501 Definition.**

*Replenishment parts*, as used in this subpart, means repairable or consumable parts acquired after the initial provisioning process.

**217.7502 [Amended]**

20. Newly designated section 217.7502 is amended as follows:

a. In paragraph (b)(1) by removing “217.7503” and adding in its place “PGI 217.7504”; and

b. In paragraph (c) by removing “217.7504” and adding in its place “217.7505”.

21. Newly designated sections 217.7503 and 217.7504 are revised to read as follows:

**217.7503 Spares acquisition integrated with production.**

Follow the procedures at PGI 217.7503 for acquiring spare parts concurrently with the end item.

**217.7504 Acquisition of parts when data is not available.**

Follow the procedures at PGI 217.7504 when acquiring parts for which the Government does not have the necessary data.

22. Section 217.7506 is added to read as follows:

**217.7506 Spare parts breakout program.**

See PGI 217.7506 and DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation, Chapter 8, Section C8.3, for spare parts breakout requirements.

**217.7600 [Removed]**

23. Section 217.7600 is removed.

24. Section 217.7601 is revised to read as follows:

**217.7601 Provisioning.**

(a) Follow the procedures at PGI 217.7601 for contracts with provisioning requirements.

(b) For technical requirements of provisioning, see DoD 4140.1–R, DoD Supply Chain Materiel Management Regulation, Chapter 2, Section C2.2.

**217.7602 through 217.7603–3 [Removed]**

25. Sections 217.7602 through 217.7603–3 are removed.

**217.7700 [Removed]**

26. Section 217.7700 is removed.

27. Section 217.7701 is revised to read as follows:

**217.7701 Procedures.**

Follow the procedures at PGI 217.7701 when acquiring over and above work.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****252.217–7004 [Amended]**

28. Section 252.217–7004 is amended as follows:

a. By revising the clause date to read “(XXX 2005)”; and

b. In paragraph (a), in the first sentence, by removing “in accordance with FAR part 14 or 15, as applicable”.

**252.217–7017 through 252.217–7025 [Removed and Reserved]**

29. Sections 252.217–7017 through 252.217–7025 are removed and reserved.

**252.217–7027 [Amended]**

30. Section 252.217–7027 is amended in the introductory text by removing “217.7406” and adding in its place “217.7405”.

**Appendix E to Chapter 2 [Removed and Reserved]**

31. Appendix E to Chapter 2 is removed and reserved.

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**DEPARTMENT OF DEFENSE****48 CFR Part 239**

[DFARS Case 2003–D094]

**Defense Federal Acquisition Regulation Supplement; Exchange or Sale of Government-Owned Information Technology**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to delete obsolete procedures for the exchange or sale of Government-owned information technology. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before November 15, 2005, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2003–D094, using any of the following methods:

○ Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

○ Defense Acquisition Regulations Web site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.

○ E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2003–D094 in the subject line of the message.

○ Fax: (703) 602–0350.

○ Mail: Defense Acquisition Regulations Council, Attn: Ms. Gabrielle Ward, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

○ Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gabrielle Ward, (703) 602–2022.

**SUPPLEMENTARY INFORMATION:****A. Background**

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will

contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The rule revises DFARS Subpart 239.70 to delete obsolete procedures for the exchange or sale of Government-owned information technology. DoD now handles the exchange or sale of information technology equipment in the same manner as other personal property, in accordance with DoD 4140.1-R, DoD Supply Chain Materiel Management Regulation. The proposed rule adds a reference to DoD 4140.1-R.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

### B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed DFARS change is limited to the deletion of obsolete procedures for the exchange or sale of Government-owned information technology. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003-D094.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

#### List of Subjects in 48 CFR Part 239

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

Therefore, DoD proposes to amend 48 CFR Part 239 as follows:

1. The authority citation for 48 CFR Part 239 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

2. Subpart 239.70 is revised to read as follows:

##### Subpart 239.70—Exchange or Sale of Information Technology

Sec.  
239.7001 Policy.

##### 239.7001 Policy.

Agencies shall follow the procedures in DoD 4140.1-R, DoD Supply Chain Materiel Management Regulation, Chapter 9, Section C9.5, when considering the exchange or sale of Government-owned information technology.

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 239 and 252

[DFARS Case 2003-D068]

#### Defense Federal Acquisition Regulation Supplement; Acquisition of Information Technology

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text on the acquisition of information technology. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before November 15, 2005, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2003-D068, using any of the following methods:

○ Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

○ Defense Acquisition Regulations Web Site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.

○ E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2003-D068 in the subject line of the message.

○ Fax: (703) 602-0350.

○ Mail: Defense Acquisition Regulations Council, Attn: Ms. Gabrielle Ward, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

○ Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gabrielle Ward, (703) 602-2022.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The proposed DFARS changes—

○ Remove text that is obsolete or unnecessary;

○ Clarify text addressing charges for special construction or assembly related to telecommunications services;

○ Clarify the text of clauses used in basic agreements for

telecommunications services; and

○ Remove text addressing the acquisition of telecommunications services from foreign carriers. Text on this subject will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI). Additional information on PGI is available at <http://www.acq.osd.mil/dpap/dars/pgi>.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*,