

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 225 and 252****Defense Federal Acquisition Regulation Supplement; Technical Amendments**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

**DATES:** Effective March 26, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6088; facsimile 571-372-6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS as follows:

1. Amends section 225.103(b)(iii) to remove an obsolete cross reference at paragraph (A) and redesignate paragraphs (B) and (C) as paragraphs (A) and (B), respectively. Amends section 225.202(a)(2) to remove an obsolete cross reference. DFARS case 2013-D020, which was published in the *Federal Register* at 79 FR 44314 on July 31, 2014, removed an outdated list of nonavailable articles at section 225.104(a). However, the cross references at 225.103(b)(iii)(A) and 225.202(a)(2) to the list at 225.104(a) were not removed.

2. Amends DFARS clause 252.245-7004, Reporting, Reutilization, and Disposal, to update a reference and a link to the reference contained in paragraph (b)(1)(iv).

**List of Subjects in 48 CFR Parts 225 and 252**

Government procurement.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

**PART 225—FOREIGN ACQUISITION****225.103 [Amended]**

■ 2. Amend section 225.103 by—  
 ■ a. Removing paragraph (b)(iii)(A); and  
 ■ b. Redesignating paragraphs (b)(iii)(B) and (C) as paragraphs (b)(iii)(A) and (B), respectively.

**225.202 [Amended]**

■ 3. Amend section 225.202 by removing “or in 225.104(a)”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 4. Amend section 252.245-7004 by—  
 ■ a. Removing the clause date “(MAY 2013)” and adding “(MAR 2015)” in its place; and  
 ■ b. Revising paragraph (b)(1)(iv).  
 The revision reads as follows.

**252.245-7004 Reporting, Reutilization, and Disposal.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(iv) *Appropriate Federal Condition Codes.* See Appendix 2 of DLM 4000.25-2, Military Standard Transaction Reporting and Accounting Procedures (MILSTRAP) manual, edition in effect as of the date of this contract. Information on Federal Condition Codes can be obtained at [http://www2.dla.mil/j-6/dlmsolibrary/manuals/dlm/dlm\\_pubs.asp#](http://www2.dla.mil/j-6/dlmsolibrary/manuals/dlm/dlm_pubs.asp#).

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 205, 206, 215, 219, 226, 232, 235, 252, and Appendix I to Chapter 2**

**RIN 0750-AH45**

**Defense Federal Acquisition Regulation Supplement: Deletion of Text Implementing 10 U.S.C. 2323 (DFARS Case 2011-D038)**

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove language based on a statute that provided the underlying

authority for DoD's Small Disadvantaged Business (SDB) program. This action is necessary because the statute has expired.

**DATES:** Effective March 26, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judith S. Rubinstein, telephone 571-372-6093.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD published an interim rule in the *Federal Register* at 79 FR 61579 on October 14, 2014, to delete those DFARS sections that were based on 10 U.S.C. 2323, which has expired. 10 U.S.C. 2323 provided the underlying statutory authority for DoD's Small Disadvantaged Business (SDB) program, including the establishment of a specific goal within the overall 5 percent SDB goal for the award of prime contracts and subcontracts to historically black colleges and universities (HBCUs) and minority institutions (MIs). Because of the expiration of this authority, all DFARS sections based on this authority were deleted by the interim rule.

**II. Discussion and Analysis**

There were no public comments submitted in response to the interim rule. The interim rule has been converted to a final rule, without change.

**III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**IV. Regulatory Flexibility Act**

A final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and is summarized as follows:

The objective of this rule is to amend the DFARS to remove or revise clauses, provisions, and guidance conditioned on section 1207 of the National Defense Authorization Act of 1987, Public Law