

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5108 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

List of Subjects in 48 CFR Part 5108

Government procurement.

PART 5108—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5108 is removed.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

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DEPARTMENT OF DEFENSE

Department of the Army

48 CFR Part 5119

[Docket No. USA-2019-DARS-0011]

RIN 0702-AB05

Repeal of Obsolete Acquisition Regulation: Small Business and Small Disadvantaged Business Concerns

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This final rule removes an obsolete Army acquisition regulation which was codified to implement a section of public law that is no longer in effect. This rule has been made obsolete by time and the existence of higher-level regulation.

DATES: This rule is effective on July 15, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. John Curtis, 703-697-0888, Email: john.t.curtis.civ@mail.mil.

SUPPLEMENTARY INFORMATION: This final rule will remove 48 CFR part 5119, “Small Business and Small Disadvantaged Business Concerns,” which was codified on April 18, 1989 (54 FR 15410), and never updated. The purpose of the rule was to implement Public Law 100-656, section 722, “Expanding small business participation in dredging,” which directed the Secretary of the Army to conduct a program to expand the participation of small business concerns in contracting opportunities for dredging. The authority was effective through 30 September 1992.

Current Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS) provides for maximum practicable opportunity to small businesses at both the prime contract and subcontract levels. For example, FAR 19.502-1, which provides requirements for setting aside acquisitions for small businesses, was codified on December 18, 1998 (63 FR 70270) and most recently updated on July 2, 2015 (80 FR 38298). The clause at FAR 52.219-6, “Notice of Total Small Business Set-Aside,” (codified September 19, 1983 (48 FR 42478) and most recently updated November 2, 2011 (76 FR 68036)) and other FAR clauses for set-asides under specific small business categories (e.g., women-owned small businesses), along with the clause at FAR 52.219-9, “Small Business Subcontracting Plan,”

(codified September 19, 1983 (48 FR 42478) and most recently updated August 22, 2018 (83 FR 42571) are used to ensure maximum small business participation at the prime and subcontractor levels. The expiration of the statutory authority and the existence of higher-level regulations concerning small business participation made the rule at part 5119 obsolete.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5119 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

List of Subjects in 48 CFR Part 5119

Government procurement.

PART 5119—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5119 is removed.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019-14972 Filed 7-12-19; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Army****48 CFR Part 5145**

[Docket No. USA-2019-DARS-0012]

RIN 0702-AB06

Repeal of Obsolete Acquisition Regulation: Government Property

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This final rule removes an obsolete Army acquisition regulation for government-furnished property. This rule has been made obsolete by updated higher-level regulation.

DATES: This rule is effective on July 15, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. John Courtis, 703-697-0888, Email: john.t.courtis.civ@mail.mil.

SUPPLEMENTARY INFORMATION: This final rule will remove 48 CFR part 5145, “Government Property,” which was codified on September 27, 1989 (54 FR 39538), and never updated. The purpose of the rule was to describe the conditions under which the government may provide property (facilities or material) to contractors for use under contracts. The rule was intended to be in place for a two-year test period. On May 15, 2007 Federal Acquisition Regulation (FAR) part 45 was amended to simplify procedures related to the management and disposition of government property in the possession of contractors (72 FR 27364). This update was made with the intention of reducing existing clauses and procedures related to government property. The update included the clause at FAR 52.245-1, “Government Property,” (codified May 15, 2007 (72 FR 27390) and most recently updated January 13, 2017 (82 FR 4715)) which contains requirements for the use, management, and disposal of government property. Several other FAR and Defense FAR Supplement (DFARS) clauses provide comprehensive coverage of various aspects of government property management.

These regulations have made the rule at part 5145 obsolete.

The removal of this text supports a recommendation from the DoD Regulatory Reform Task Force. On February 24, 2017, the President signed Executive Order (E.O.) 13777, “Enforcing the Regulatory Reform Agenda,” which established a Federal policy “to alleviate unnecessary regulatory burdens” on the American people. In accordance with E.O. 13777, DoD established a Regulatory Reform Task Force to review and validate DoD regulations. The DoD Task Force reviewed the requirements of 48 CFR part 5145 and determined that the coverage was obsolete and recommended removal.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing obsolete information. Additionally, the statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707 entitled “Publication of Proposed Regulations.” Paragraph (a)(1) of the statute requires that a procurement policy, regulation, procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because the Army is not issuing a new regulation; rather, this rule merely removes obsolete parts from chapter 51 of title 48 of the CFR.

This rule is not significant under Executive Order (E.O.) 12866, “Regulatory Planning and Review”; therefore, the requirements of E.O. 13771, “Reducing Regulation and Controlling Regulatory Costs” do not apply.

List of Subjects in 48 CFR Part 5145

Government procurement.

PART 5145—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 48 CFR part 5145 is removed.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2019-14970 Filed 7-12-19; 8:45 am]

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DEPARTMENT OF DEFENSE**Department of the Army****48 CFR Part 5152**

[Docket No. USA-2019-DARS-0013]

RIN 0702-AB07

Repeal of Obsolete Acquisition Regulation: Solicitation Provisions and Contract Clauses

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This final rule removes an obsolete Army acquisition regulation for contract clauses governing industrial preparedness production planning and government-furnished property.

DATES: This rule is effective on July 15, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. John Courtis, 703-697-0888, Email: john.t.courtis.civ@mail.mil.

SUPPLEMENTARY INFORMATION: This final rule will remove 48 CFR part 5152, “Solicitation Provisions and Contract Clauses.” Three contract clauses are removed by this rule. The clause at 5152.208-9001, Industrial preparedness planning, was codified on September 20, 1989 (54 FR 38683) and never updated. The purpose of the clause was to clarify contractor responsibilities with respect to industrial preparedness planning, and was intended to be in place for a three-year test period. The clause is no longer needed because of a clause prescribed in a higher-level regulation. Specifically, the clause at DFARS 252.217-7001 (Surge Option) (codified July 31, 1991 (56 FR 36479)) and most recently updated December 4, 2018 (83 FR 62503)), prescribed for use when a surge option is needed in support of industrial capability production planning, informs contractors that the Government has the option to increase the quantity, or accelerate the delivery, of supplies or services under the contract and provides the terms for the exercise of the option and subsequent delivery of the surge quantities.

The clauses at 5152.245-9000, Government property for installation support services (fixed-price contracts); and the clause at 5152.245-9001, Government property for installation support services (cost-reimbursement contracts), were codified on September 27, 1989 (54 FR 39539) and never updated. The purpose of the clauses was to clarify contractor responsibilities regarding government property provided to the contractor pursuant to, respectively, fixed-price contracts and