

DEPARTMENT OF DEFENSE**48 CFR Part 206**

[DFARS Case 97-D324]

Defense Federal Acquisition Regulation Supplement; Competition Exception for International Agreements

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 841(b) of the National Defense Authorization Act for Fiscal Year 1998. Section 841(b) repeals the requirement for the competition advocate to approve documentation prepared by the head of the contracting activity, for use of other than competitive procedures, when the terms of an international agreement have the effect of requiring such procedures.

EFFECTIVE DATE: December 9, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D324.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule revises DFARS 206.302-4 to implement Section 841(b) of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85). Section 841(b) amends 10 U.S.C. 2304(f)(2)(E) to repeal the requirement for the competition advocate to approve documentation supporting the use of other than competitive procedures for an acquisition, when the use of such procedures is based upon the terms of an international agreement.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication of public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D324.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 206

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 206 is amended as follows:

1. The authority citation for 48 CFR Part 206 continues to read as follows:

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

PART 206—COMPETITION REQUIREMENTS

2. Section 206.302-4 is revised to read as follows:

206.302-4 International agreement.

(c) *Limitations.* Pursuant to 10 U.S.C. 2304(f)(2)(E), the justifications and approvals described in FAR 6.303 and 6.304 are not required if the head of the contracting activity prepares a document that describes the terms of an agreement or treaty or the written directions, such as a Letter of Offer and Acceptance, that have the effect of requiring the use of other than competitive procedures for the acquisition.

[FR Doc. 98-32582 Filed 12-8-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE**48 CFR Part 217**

[DFARS Case 97-D319]

Defense Federal Acquisition Regulation Supplement; Waiver Authority to Support Humanitarian or Peacekeeping Operations

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 803 of the National Defense Authorization Act for Fiscal Year 1998. Section 803 permits the head of an agency to waive certain limitations on the use of undefinitized contract actions, if the waiver is necessary to support a humanitarian or peacekeeping operation.

EFFECTIVE DATE: December 9, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council,

PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D319.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule amends DFARS 217.7404-5 to implement Section 803 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85). Section 803 amends the limitations at 10 U.S.C. 2326(b)(4) pertaining to the use of undefinitized contract actions. Editorial changes are made at 217.7404-3.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D319.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 217

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 217 is amended as follows:

1. The authority citation for 48 CFR Part 217 continues to read as follows:

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

PART 217—SPECIAL CONTRACTING METHODS

2. Section 217.7404-3 is amended by revising paragraph (a) introductory text and paragraph (a)(1) to read as follows:

217.7404-3 Definitization schedule.

(a) UCAs shall contain definitization schedules that provide for definitization by the earlier of—

(1) The date that is 180 days after issuance of the action (this date may be extended but may not exceed the date that is 180 days after the contractor submits a qualifying proposal); or

* * * * *

3. Section 217.7404-5 is amended by revising paragraph (b) to read as follows: