

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.209–7003 [Removed and Reserved]

8. Section 252.209–7003 is removed and reserved.

[FR Doc. 02–2056 Filed 1–28–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2001–D019]

Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Switzerland

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2001–D019.

SUPPLEMENTARY INFORMATION:

A. Background

A memorandum of understanding between the Government of the Swiss Confederation and the Government of the United States provides for both governments to remove barriers to procurements of conventional defense supplies produced in the other country, and to accord to industries in the other country treatment no less favorable in relation to procurement than is accorded to industries of its own country. Therefore, DoD has determined that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Switzerland. This final rule amends DFARS 225.872–1 to add Switzerland to the list of countries for which DoD has made such public interest determinations, and to remove Switzerland from the list of countries for which exemption from the Buy

American Act is permitted only on a purchase-by-purchase basis.

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

B. Regulatory Flexibility Act

This final rule will not have a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001–D019.

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 225

Government procurement.

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

Therefore, 48 CFR Part 225 is amended as follows:

1. The authority citation for 48 CFR Part 225 continues to read as follows:

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

PART 225—FOREIGN ACQUISITION

225.872–1 [Amended]

2. Section 225.872–1 is amended as follows:

a. In paragraph (a) by adding, in alphabetical order, “Switzerland” to the list of countries; and

b. In paragraph (b) by removing “Switzerland” from the list of countries.

[FR Doc. 02–2055 Filed 1–28–02; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D027]

Defense Federal Acquisition Regulation Supplement; Tax Exemptions (Italy)

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement

(DFARS) to update requirements pertaining to tax exemptions for DoD contracts performed in Italy.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2000–D027.

SUPPLEMENTARY INFORMATION:

A. Background

DoD uses the contract clause at DFARS 252.229–7003, Tax Exemptions (Italy), when contract performance will be in Italy. This rule amends the clause at DFARS 252.229–7003 to update the information pertaining to tax exemptions that contractors must include on their invoices.

DoD published a proposed rule at 66 FR 48652 on September 11, 2001. DoD received no comments on the proposed rule. Therefore, DoD is adopting the proposed rule as a final rule without change.

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 certifies that this final rule will not 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 rule makes minor changes to invoicing requirements that apply only to DoD contracts performed in Italy.

C. Paperwork Reduction Act

This rule does not add 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 252

Government procurement.

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

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

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

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PROVISIONS AND CONTRACT
CLAUSES**

2. Section 252.229–7003 is revised to read as follows:

252.229–7003 Tax Exemptions (Italy).

As prescribed in 229.402–70(c), use the following clause:

Tax Exemptions (Italy) (Jan 2002)

(a) The Contractor represents that the contract price, including the prices in subcontracts awarded under this contract, does not include taxes from which the United States Government is exempt.

(b) The United States Government is exempt from payment of Imposta Valore Aggiunto (IVA) tax in accordance with Article 72 of the IVA implementing decree on all supplies and services sold to United States Military Commands in Italy.

(1) The Contractor shall include the following information on invoices submitted to the United States Government:

- (i) The contract number.
- (ii) The IVA tax exemption claimed pursuant to Article 72 of Decree Law 633, dated October 26, 1972.
- (iii) The following fiscal code(s): *[Contracting Officer must insert the applicable fiscal code(s) for military activities within Italy: 80028250241 for Army, 80156020630 for Navy, or 91000190933 for Air Force].*

(2)(i) Upon receipt of the invoice, the paying office will include the following certification on one copy of the invoice: “I certify that this invoice is true and correct and reflects expenditures made in Italy for the Common Defense by the United States Government pursuant to international agreements. The amount to be paid does not include the IVA tax, because this transaction is not subject to the tax in accordance with Article 72 of Decree Law 633, dated October 26, 1972.” An authorized United States Government official will sign the copy of the invoice containing this certification.

(ii) The paying office will return the certified copy together with payment to the Contractor. The payment will not include the amount of the IVA tax.

(iii) The Contractor shall retain the certified copy to substantiate non-payment of the IVA tax.

(3) The Contractor may address questions regarding the IVA tax to the Ministry of Finance, IVA Office, Rome (06) 520741.

(c) In addition to the IVA tax, purchases by the United States Forces in Italy are exempt from the following taxes:

- (1) Imposta di Fabbricazione (Production Tax for Petroleum Products).
- (2) Imposta di Consumo (Consumption Tax for Electrical Power).
- (3) Dazi Doganali (Customs Duties).
- (4) Tassa di Sbarco e d’Imbarco sulle Merci Transportate per Via Aerea e per Via Marittima (Port Fees).
- (5) Tassa de Circolazione sui Veicoli (Vehicle Circulation Tax).
- (6) Imposta di Registro (Registration Tax).
- (7) Imposta di Bollo (Stamp Tax).

(End of clause)

[FR Doc. 02–2057 Filed 1–28–02; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D302]

**Defense Federal Acquisition
Regulation Supplement; Caribbean
Basin Country End Products**

AGENCY: 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 implement section 211 of the United States–Caribbean Basin Trade Partnership Act and determinations of the United States Trade Representative as to which countries qualify for enhanced trade benefits under that Act.

EFFECTIVE DATE: January 29, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFARS Case 2000–D302.

SUPPLEMENTARY INFORMATION:

A. Background

This rule implements Section 211 of the United States–Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) and determinations of the United States Trade Representative published at 65 FR 60236 on October 10, 2000; 65 FR 69988 on November 21, 2000; and 65 FR 78527 on December 15, 2000. The rule amends the clauses at DFARS 252.225–7007, Buy American Act—Trade Agreements—Balance of Payments Program, and 252.225–7021, Trade Agreements, to remove Panama from the definition of “Caribbean Basin country” and to clarify which Caribbean Basin country products are subject to duty-free treatment.

DoD published an interim rule at 66 FR 47112 on September 11, 2001. DoD received no comments on the interim rule. Therefore, DoD is converting the interim rule to a final rule without change.

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 certifies that this final rule will not 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 rule affects only a limited number of textile and apparel articles from certain Caribbean Basin countries. Other statutory requirements still prohibit DoD from acquiring most of these articles from other than domestic sources.

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 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR Part 252, which was published at 66 FR 47112 on September 11, 2001, is adopted as a final rule without change.

[FR Doc. 02–2053 Filed 1–28–02; 8:45 am]

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DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Part 622

[Docket No. 001005281–0369–02; I.D. 011802A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Trip limit increase.

SUMMARY: NMFS increases the trip limit in the commercial hook-and-line fishery for king mackerel in the Florida east coast subzone to 75 fish per day in or from the exclusive economic zone (EEZ). This trip limit increase is necessary to maximize the socioeconomic benefits of the quota.