

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; Sec. 901–911, Pub. L. 106–387; Sec. 221, Pub. L. 107–56; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005); Notice of October 25, 2005, 70 FR 62027 (October 27, 2005).

■ 4. In § 744.19, revise paragraphs (c) and (d) to read as follows:

§ 744.19 Licensing policy regarding persons sanctioned pursuant to specified statutes.

* * * * *

(c) A sanction issued pursuant to section 11B(b)(1)(B)(ii) of the Export Administration Act of 1979, as amended, and as carried out by Executive Order 13222 of August 17, 2001, that prohibits the issuance of new licenses for exports to the sanctioned entity of items controlled pursuant to the Export Administration Act of 1979.

(d) A sanction issued pursuant to section 11B(b)(1)(B)(i) of the Export Administration Act of 1979, as amended (Missile Technology Control Act of 1990), and as carried out by an Executive Order 13222 of August 17, 2001, that prohibits the issuance of new licenses for exports to the sanctioned entity of MTCR Annex equipment or technology controlled pursuant to the Export Administration Act of 1979.

PART 766—ADMINISTRATIVE ENFORCEMENT PROCEEDINGS

■ 5. The authority citation for part 766 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

■ 6. In § 766.24, revise the second sentence of paragraph (e)(3) to read as follows:

§ 766.24 Temporary denials.

* * * * *

(e) * * *

(3) *Appeal Procedure.*

* * * Service on the administrative law judge shall be addressed to U.S. Coast Guard, ALJ Docketing Center, 40 S. Gay Street, Baltimore, Maryland, 21202–4022. * * *

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PART 770—INTERPRETATIONS

■ 7. The authority citation for part 770 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

§ 770.2 [Amended]

■ 8. In § 770.2, remove and reserve paragraph (c).

Dated: March 14, 2006.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 06–2685 Filed 3–20–06; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 9248]

RIN 1545–BC86

Residence Rules Involving U.S. Possessions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations that were published in the *Federal Register* on Tuesday, January 31, 2006 (71 FR 4996) that provide rules for determining bona fide residency in the following U.S. possessions: American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the United States Virgin Islands under sections 937(a) and 881(b) of the Internal Revenue Code (Code).

DATES: This correction is effective January 31, 2006.

FOR FURTHER INFORMATION CONTACT: J. David Varley, (202) 435–5262 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9248) that are the subject of this correction are under sections 937(a) and 881(b) of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9248) contains an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 9248), which were

the subject of FR Doc. 06–818, is corrected as follows:

1. On page 4997, column 2, in the preamble under the paragraph heading “Explanation of Provisions and Summary of Comments”, first paragraph, fourth line from the bottom, the language “tax and closer connection tests is the” is corrected to read “tax home and closer connection test is the”.

LaNita VanDyke,

Federal Register Liaison Officer, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 06–2664 Filed 3–20–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 203, 207, 209, 229, 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 add references to the DFARS companion resource, Procedures, Guidance, and Information (PGI).

DATES: Effective Date: March 21, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Parts 203, 207, 209, 229, and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 203, 207, 209, 229, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 203, 207, 209, 229, and 252 continues to read as follows:

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

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

■ 2. Section 203.570–1 is revised to read as follows:

203.570–1 Scope.

This subpart implements 10 U.S.C. 2408. For information on 10 U.S.C. 2408, see PGI 203.570–1.

PART 207—ACQUISITION PLANNING

■ 3. Section 207.105 is amended by adding paragraph (b)(19)(F) to read as follows:

207.105 Contents of written acquisition plans.

* * * * *

(b) * * *

(19) * * *

(F) *CONUS Antiterrorism Considerations*. Follow the procedures at PGI 207.105(b)(19)(F) for consideration of antiterrorism measures in acquisition planning.

PART 209—CONTRACTOR QUALIFICATIONS

■ 4. Section 209.105–1 is added to read as follows:

209.105–1 Obtaining information.

For guidance on using the Excluded Parties List System, see PGI 209.105–1.

PART 229—TAXES

■ 5. Section 229.101 is amended by revising paragraph (a) and adding paragraph (b) to read as follows:

229.101 Resolving tax problems.

(a) Within DoD, the agency-designated legal counsels are the defense agency General Counsels, the General Counsels of the Navy and Air Force, and for the Army, the Chief, Contract Law Division, Office of the Judge Advocate General. For additional information on the designated legal counsels, see PGI 229.101(a).

(b) For information on fuel excise taxes, see PGI 229.101(b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.225–7043 [Amended]

■ 6. Section 252.225–7043 is amended as follows:

■ a. By revising the clause date to read “(Mar 2006)”; and

■ b. In paragraph (d), by removing “225.7401” and adding in its place “PGI 225.7403–1”.

[FR Doc. 06–2639 Filed 3–20–06; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 207

[DFARS Case 2004–D021]

Defense Federal Acquisition Regulation Supplement; Contractor Performance of Acquisition Functions Closely Associated With Inherently Governmental Functions

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

ACTION: Final rule.

SUMMARY: DoD has adopted as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 804 of the National Defense Authorization Act for Fiscal Year 2005. Section 804 places limitations on the award of contracts for the performance of acquisition functions closely associated with inherently governmental functions.

DATES: Effective March 21, 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326, facsimile (703) 602–0350. Please cite DFARS Case 2004–D021.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 70 FR 14572 on March 23, 2005, to implement Section 804 of the National Defense Authorization Act for Fiscal Year 2005. Section 804 places limitations on the award of contracts for the performance of acquisition functions closely associated with inherently governmental functions.

Three sources submitted comments on the interim rule. A discussion of the comments is provided below.

1. *Comment:* One respondent recommended revision of the text at 207.503(S–70)(1) to replace the phrase “functions closely associated with inherently governmental functions that are listed at FAR 7.503(d)” with the phrase “services and actions that are

listed at FAR 7.503(d).” Since 10 U.S.C. 2383(b)(3) states that the phrase “functions closely associated with inherently governmental functions” means those functions described in FAR 7.503(d), use of the FAR reference would meet the letter of the law and would avoid introducing a new phrase in the DFARS.

DoD Response: DoD believes that use of the phrase “functions closely associated with inherently governmental functions,” along with the reference to FAR 7.503(d), more clearly describes the requirements of the rule. Therefore, DoD has made no change to the rule as a result of this comment.

2. *Comment:* One respondent recommended amending the text at 207.503(S–70)(1)(i)(B) to remove the word “supervise” and replace it with the phrase “provide oversight to” to prevent a conflict with Office of Federal Procurement Policy (OFPP) Policy Letter 92–1, Inherently Governmental Functions. The respondent stated that OFPP Policy Letter 92–1 cautions against exercising “such control over contractor activities to convert the contract * * * to a personal services contract,” and that use of the word “supervise,” could be understood by Federal officials that they are to interact with contractor employees in the same way they supervise Federal employees.

DoD Response: It should be noted that OMB Circular No. A–76 dated May 29, 2003, supersedes OFPP Policy Letter 92–1. However, DoD agrees that the term “supervise” could be subject to differing interpretations and could lead to an inappropriate contract relationship. Therefore, DoD has amended the rule to replace the term “supervise” with the term “oversee.”

3. *Comment:* One respondent stated that, given the importance of this issue, DoD should provide further guidance concerning the circumstances under which contracting officers may make a determination under 207.503(S–70)(1)(i)(A), that appropriate DoD personnel cannot reasonably be made available to perform the functions.

DoD Response: DoD does not believe that additional guidance is necessary. The availability decision must be made on a case-by-case basis, and DoD contracting officers should retain the flexibility to make informed decisions to meet mission needs.

4. *Comment:* One respondent expressed support for the rule, since the rule places some controls on the award of contracts for the performance of jobs closely associated with the Federal Government’s purchases of goods and services. The respondent believes that the Government should protect