

as those terms are defined at § 358.3(l); and

(2) With respect to an electric Transmission Provider, engages in marketing, sales or brokering activities as those terms are defined at § 358.3(e).

\* \* \* \* \*

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 215, 225, and 253

#### 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 update references within the DFARS text.

**EFFECTIVE DATE:** March 27, 2007.

**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.

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

- *Sections 215.404-71-3 and 215.404-71-4.* Removes obsolete cross-references, and adds a reference to the TreasuryDirect Web site for interest rate information.
- *Section 225.7014.* Updates a cross-reference.
- *Section 225.7401.* Updates the section to provide a more specific description of the Procedures, Guidance, and Information (PGI) text referenced in paragraph (a).
- *Part 253.* Adds a reference to the DoD Forms Management Program Web site.

#### List of Subjects in 48 CFR Parts 215, 225, and 253

Government procurement.

**Michele P. Peterson,**  
Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 215, 225, and 253 are amended as follows:

■ 1. The authority citation for 48 CFR parts 215, 225, and 253 continues to read as follows:

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

#### PART 215—CONTRACTING BY NEGOTIATION

##### 215.404-71-3 [Amended]

■ 2. Section 215.404-71-3 is amended in paragraph (b)(7), in the first sentence, by removing “(see 230.7101-1(a))” and adding in its place “(see [http://www.treasurydirect.gov/govt/rates/tcir/tcir\\_opdirsemi.htm](http://www.treasurydirect.gov/govt/rates/tcir/tcir_opdirsemi.htm))”.

##### 215.404-71-4 [Amended]

■ 3. Section 215.404-71-4 is amended in paragraph (e)(2) by removing “(see 230.7001)”.

#### PART 225—FOREIGN ACQUISITION

##### 225.7014 [Amended]

■ 4. Section 225.7014 is amended by removing “236.274(a)” and adding in its place “236.273(a)”.

■ 5. Section 225.7401 is amended by revising the section heading and paragraph (a) to read as follows:

##### **225.7401 Contracts requiring performance or delivery in a foreign country.**

(a) If an acquisition requires performance of work in a foreign country by contractor personnel other than host country personnel, or delivery of items to a Unified Combatant Command designated operational area, follow the procedures at PGI 225.7401(a).

\* \* \* \* \*

#### PART 253—FORMS

■ 6. Subpart 253.3 is added to read as follows:

##### **Subpart 253.3—Illustration of Forms**

##### **253.303 Agency forms.**

DoD forms are available at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 225 and 252

RIN 0750-AF34

#### Defense Federal Acquisition Regulation Supplement; Prohibition on Acquisition from Communist Chinese Military Companies (DFARS Case 2006-D007)

**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 implement Section 1211 of the National Defense Authorization Act for Fiscal Year 2006. Section 1211 prohibits DoD from acquiring United States Munitions List items from Communist Chinese military companies.

**EFFECTIVE DATE:** March 27, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2006-D007.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

DoD published an interim rule at 71 FR 53045 on September 8, 2006, to implement Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163). Section 1211 prohibits DoD from acquiring goods or services, through a contract or a subcontract with a Communist Chinese military company, if the goods or services being acquired are on the munitions list of the International Trafficking in Arms Regulations (the United States Munitions List (USML) at 22 CFR Part 121).

One source submitted comments on the interim rule. That source recommended addition of an exception to the policy that, before issuance of a solicitation, the requirements activity must notify the contracting officer whether the items to be acquired are on the USML. The exception would apply to items that include critical military technology, since those items are already subject to controls that limit