

commercial, financial, proprietary, or privileged nature. The term includes technical data and computer software, but does not include information that is lawfully, publicly available without restriction.

*Technical data* means recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation). The term does not include computer software or data incidental to contract administration, such as financial and/or management information.

(b) \* \* \*

(4) Upon completion of the authorized litigation support activities, the Offeror will destroy or return to the Government at the request of the Contracting Officer all litigation information in its possession.

\* \* \* \* \*

■ 8. Amend section 252.204–7014 by—

■ a. In the clause heading, removing the clause date “(FEB 2014)” and adding “(MAY 2016)” in its place;

■ b. In paragraph (a), revising the introductory text and the definitions of “Litigation information”, “Litigation support contractor”, and “Sensitive information”;

■ c. Revising paragraph (b);

■ d. Redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f);

■ e. Adding a new paragraph (c);

■ f. In newly redesignated paragraph (d)(2), removing “such data or software, for the unauthorized duplication, release, or disclosure” and adding “such litigation information, for any such unauthorized use or disclosure” in its place; and

■ g. In newly redesignated paragraph (f), removing “this paragraph (e)” and add “this paragraph (f)” in its place.

The revisions and addition read as follows:

**252.204–7014 Limitations on the Use or Disclosure of Information by Litigation Support Contractors.**

\* \* \* \* \*

(a) *Definitions.* As used in this clause—

\* \* \* \* \*

*Litigation information* means any information, including sensitive information, that is furnished to the contractor by or on behalf of the Government, or that is generated or obtained by the contractor in the performance of litigation support under a contract. The term does not include information that is lawfully, publicly available without restriction, including information contained in a publicly available solicitation.

\* \* \* \* \*

*Litigation support contractor* means a contractor (including its experts, technical consultants, subcontractors, and suppliers) providing litigation support under a contract that contains this clause.

*Sensitive information* means controlled unclassified information of a commercial, financial, proprietary, or privileged nature. The term includes technical data and computer software, but does not include information that is lawfully, publicly available without restriction.

\* \* \* \* \*

(b) *Limitations on use or disclosure of litigation information.* Notwithstanding any other provision of this contract, the Contractor shall—

(1) Access and use litigation information only for the purpose of providing litigation support under this contract;

(2) Not disclose litigation information to any entity outside the Contractor’s organization unless, prior to such disclosure the Contracting Officer has provided written consent to such disclosure;

(3) Take all precautions necessary to prevent unauthorized disclosure of litigation information;

(4) Not use litigation information to compete against a third party for Government or nongovernment contracts; and

(5) Upon completion of the authorized litigation support activities, destroy or return to the Government at the request of the Contracting Officer all litigation information in its possession.

(c) Violation of paragraph (b)(1),(b)(2), (b)(3), (b)(4), or (b)(5) of this clause is a basis for the Government to terminate this contract.

\* \* \* \* \*

■ 9. Amend section 252.204–7015 by—

■ a. Revising the section heading, introductory text, the clause heading, and paragraph (a); and

■ b. In the paragraph (b) heading, removing “*Authorized disclosure*” and adding “*Notice of authorized disclosures*” in its place.

The revision read as follows:

**252.204–7015 Notice of Authorized Disclosure of Information for Litigation Support.**

As prescribed in 204.7403(c), use the following clause:

Notice of Authorized Disclosure of Information for Litigation Support (May 2016)

(a) *Definitions.* As used in this clause—

*Computer software* means computer programs, source code, source code

listings, object code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the software to be reproduced, recreated, or recompiled. Computer software does not include computer data bases or computer software documentation.

*Litigation support* means administrative, technical, or professional services provided in support of the Government during or in anticipation of litigation.

*Litigation support contractor* means a contractor (including its experts, technical consultants, subcontractors, and suppliers) providing litigation support under a contract that contains the clause at 252.204–7014, Limitations on the Use or Disclosure of Information by Litigation Support Contractors.

*Sensitive information* means controlled unclassified information of a commercial, financial, proprietary, or privileged nature. The term includes technical data and computer software, but does not include information that is lawfully, publicly available without restriction.

*Technical data* means recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation). The term does not include computer software or data incidental to contract administration, such as financial and/or management information.

\* \* \* \* \*

[FR Doc. 2016–10822 Filed 5–9–16; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 215, 216, and 225

#### 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 provide needed editorial changes.

**DATES:** Effective May 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room

3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6115; facsimile 571-372-6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS as follows—

1. Corrects cross references at DFARS 212.301(f)(xvi), Acquisition of Information Technology, in paragraphs (A) and (B);

2. Directs contracting officers to additional DFARS Procedures, Guidance, and Information (PGI) by adding a cross reference at DFARS 215.300 and updates the date of the Director, Defense Procurement and Acquisition Policy memorandum entitled “Department of Defense Source Selection Procedures”;

3. Corrects a threshold at DFARS 215.408(3)(ii)(A)(1)(i) to reflect \$750,000 in lieu of \$700,000 that was inadvertently omitted in the inflation adjustment DFARS Case 2014-D025 published in the **Federal Register** at 80 FR 36903;

4. Adds DFARS section 216.104 to provide guidance concerning selection and negotiation of the most appropriate contract type and also directs contracting officers to additional PGI coverage.

5. Redesignates paragraphs within DFARS 225.7003-2 to add a new paragraph (b) to provide an internet link for more information on specialty metals restrictions and reporting of noncompliances.

#### List of Subjects in 48 CFR 212, 215, 216, and 225

Government procurement.

**Jennifer L. Hawes,**

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 212, 215, 216, and 225 are amended as follows:

■ 1. The authority citation for 48 CFR parts 212, 215, 216, and 225 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 212—ACQUISITION OF COMMERCIAL ITEMS

##### 212.301 [AMENDED]

■ 2. Amend section 212.301, in paragraphs (f)(xvi)(A) and (B), by removing “239.7603(a)” and “239.7603(b)” and adding “239.7604(a)” and “239.7604(b)” in each place, respectively.

#### PART 215—CONTRACTING BY NEGOTIATION

■ 3. Revise section 215.300 to read as follows:

##### 215.300 Scope of subpart.

Contracting officers shall follow the principles and procedures in Director, Defense Procurement and Acquisition Policy memorandum dated April 1, 2016, entitled “Department of Defense Source Selection Procedures,” when conducting negotiated, competitive acquisitions utilizing FAR part 15 procedures. See PGI 215.300.

##### 215.408 [AMENDED]

■ 4. Amend section 215.408, in paragraph (3)(ii)(A)(1)(i), by removing “\$700,000” and adding “\$750,000” in its place.

#### PART 216—TYPES OF CONTRACTS

■ 5. Add section 216.104 to read as follows:

##### 216.104 Factors in selecting contract type.

Contracting officers shall follow the principles and procedures in Director, Defense Procurement and Acquisition Policy memorandum dated April 1, 2016, entitled “Guidance on Using Incentive and Other Contract Types,” when selecting and negotiating the most appropriate contract type for a given procurement. See PGI 216.104.

#### PART 225—FOREIGN ACQUISITION

■ 6. Amend section 225.7003-2 by—

■ a. Redesignating paragraphs (a) and (b) as (1) and (2), respectively;

■ b. Designating the introductory text as paragraph (a);

■ c. In the newly redesignated paragraph (1), redesignating paragraphs (1) through (6) as paragraphs (i) through (vi), respectively; and

■ d. Adding paragraph (b).

The addition reads as follows:

##### 225.7003-2 Restrictions.

\* \* \* \* \*

(b) For more information on specialty metals restrictions and reporting of noncompliances, see [http://www.acq.osd.mil/dpap/cpic/ic/restrictions\\_on\\_specialty\\_metals\\_10\\_usc\\_2533b.html](http://www.acq.osd.mil/dpap/cpic/ic/restrictions_on_specialty_metals_10_usc_2533b.html).

[FR Doc. 2016-10830 Filed 5-9-16; 8:45 am]

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#### DEPARTMENT OF DEFENSE

#### Defense Acquisition Regulations System

##### 48 CFR Part 217

[Docket DARS-2015-0067]

RIN 0750-AI80

#### Defense Federal Acquisition Regulation Supplement: Multiyear Contract Requirements (DFARS Case 2015-D009)

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2015 and a section of the Department of Defense Appropriations Act, 2015, which address various requirements for multiyear contracts.

**DATES:** Effective May 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Christopher Stiller, telephone 571-372-6176.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD published a proposed rule in the **Federal Register** at 80 FR 81499 on December 30, 2015, to amend the DFARS to implement section 816 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113-291) and section 8010 of the Department of Defense Appropriations Act, 2015 (Division C, Title VIII of Pub. L. 113-235), which address various requirements for multiyear contracts. There were no public comments submitted in response to the proposed rule. There are no changes from the proposed rule made in the final rule.

##### II. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Items, Including Commercially Available Off-the-Shelf (COTS) Items

This rule does not add any new provisions or clauses or impact any existing provisions or clauses.

##### III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic,