

footwear to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.

With regard to implementation of section 881(b), this rule will not apply to any small entities at the prime contract level, as there are only a few prime contractors for the restricted items, which are all U.S. firms that are other than small businesses. For the definition of “small business,” the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 U.S.C. 601(3) and 15 U.S.C. 632(a)). The SBA regulations at 13 CFR 121.105(a)(1) discuss who is a small business, providing that except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor. Therefore, if an item currently purchased from a U.S. entity that is other than a small business were to be purchased from an entity in the Australia or the United Kingdom, there could be an impact on a few small entities that are currently subcontractors to a U.S. prime contractor.

There are no reporting, recordkeeping, or other compliance requirements of the rule, other than to furnish athletic footwear compliant with the Berry Amendment and the other restricted items manufactured by a manufacturer that is part of the national technology and industrial base (which is now expanded to include the United Kingdom and Australia, as well as the United States and Canada).

By extending the restriction of the Berry Amendment to acquisitions that do not exceed simplified acquisition threshold, this rule may benefit small entities that can provide Berry Amendment-compliant athletic footwear, because they may be more able to compete for smaller acquisitions. DoD was unable to identify any alternatives that would meet the requirements of the statutes).

## VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

## List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

**Jennifer Lee Hawes**,  
*Regulatory Control Officer, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

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

## PART 225—FOREIGN ACQUISITION

■ 2. Amend section 225.7002–2 by revising paragraph (a) to read as follows:

### 225.7002–2 Exceptions.

\* \* \* \* \*

(a) Acquisitions at or below the simplified acquisition threshold, except for athletic footwear purchased by DoD for use by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the Armed Forces (section 817 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328)).

\* \* \* \* \*

### 225.7002–3 [Amended]

■ 3. Amend section 225.7002–3, in paragraph (a) by removing “commercial items, that exceed the simplified acquisition threshold” and adding “commercial items” in its place.

### 225.7004–1 [Amended]

■ 4. Amend section 225.7004–1 by removing “United States or Canada” and adding “United States, Australia, Canada, or the United Kingdom” in its place.

### 225.7004–3 [Amended]

■ 5. Amend section 225.7004–3 by:

■ a. In paragraph (a) by removing “manufactured in the United States or Canada” and adding “manufactured in the United States, Australia, Canada, or the United Kingdom” in two places.

■ b. In paragraphs (a), (b), and (c) by removing “United States and Canada” and adding “United States, Australia, Canada, or the United Kingdom” in its place wherever it appears.

### 225.7006–1 [Amended]

■ 6. Amend section 225.7006–1 by removing “United States or Canada” and adding “United States, Australia, Canada, or the United Kingdom” in its place.

■ 7. Revise section 225.7006–3 to read as follows:

### 225.7006–3 Waiver.

The waiver criteria at 225.7008(a) apply to this restriction.

■ 8. Amend section 225.7006–4 by revising paragraphs (a)(2) and (b)(2) to read as follows:

### 225.7006–4 Solicitation provision and contract clause.

(a) \* \* \*

(2) A waiver has been granted.

(b) \* \* \*

(2) A waiver has been granted.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 252.225–7037 [Amended]

■ 9. Amend section 252.225–7037 by:

■ a. Removing the provision date of “(JUN 2012)” and adding “(DEC 2018)” in its place; and

■ b. In paragraphs (a) and (b), removing “outlying areas, Canada,” and adding “outlying areas, Australia, Canada,” in its place in both places.

### 252.225–7038 [Amended]

■ 10. Amend section 252.225–7038 by:

■ a. Removing the provision date of “(JUN 2005)” and adding “(DEC 2018)” on its place; and

■ b. Removing “outlying areas, Canada,” and adding “outlying areas, Australia, Canada,” in its place.

[FR Doc. 2018–27557 Filed 12–20–18; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 252

[Docket DARS–2018–0018]

RIN 0750–AJ42

### Defense Federal Acquisition Regulation Supplement: Submission of Summary Subcontract Reports (DFARS Case 2017–D005)

**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 change the entity to which contractors submit Summary Subcontract Reports in the Electronic Subcontracting Reporting System (eSRS) and to change the entity that acknowledges receipt of, or rejects, the reports in eSRS.

**DATES:** Effective December 21, 2018.  
**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, telephone 571–372–6100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD published a proposed rule in the **Federal Register** at 83 FR 30666 on June 29, 2018, to implement a policy that streamlines the submission and review of Summary Subcontract Reports (SSRs) for DoD contractors and brings the DFARS into compliance with changes to the Federal Acquisition Regulation (FAR). Instead of submitting multiple SSRs to departments and agencies within DoD, contractors with individual subcontracting plans will submit a single, consolidated SSR in eSRS at the DoD level. The consolidated SSR will be acknowledged or rejected in eSRS at the DoD level.

There were no public comments submitted in response to the proposed rule. There are no changes made to the final rule.

**II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items**

This rule amends the clause at DFARS 252.219–7003, Small Business

Subcontracting Plan (DoD Contracts), and its Alternate I. The objective of the rule is to simplify the submission and review of SSRs in eSRS.

DoD does not apply the clause and its Alternate I to solicitations and contracts with a value at or below the Simplified Acquisition Threshold, because subcontracting plans are not required at that dollar value.

DoD currently applies the clause and its Alternate I to solicitations and contracts for the acquisition of commercial items, including commercially available off-the-shelf (COTS) items, as defined at FAR 2.101. Not applying this guidance to contracts for the acquisition of commercial items, including COTS items, would exclude contracts intended to be included in the streamlined SSRs and undermine the overarching purpose of the rule. As such, DoD is applying the rule to contracts for the acquisition of commercial items, including COTS items.

**III. Expected Cost Savings**

This rule amends the DFARS to implement a policy that streamlines the submission and review of SSRs for DoD contractors. Instead of the current practice of submitting multiple SSRs to various departments or agencies within DoD, contractors with individual

subcontracting plans will submit one consolidated SSR at the DoD level in eSRS. The consolidated SSR will be acknowledged or rejected in eSRS at the DoD level.

This rule impacts only large businesses that have individual subcontracting plans and at least one contract with DoD. Although the clause at DFARS 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), and its Alternate I currently require large business contractors to submit SSRs to the department or agency within DoD that administers the majority of the contractor’s individual subcontracting plans, these contractors frequently must submit SSRs to each department or agency within DoD with which they have contracts. This results in extra work for the contractors and creates problems with duplicate subcontracting data. By requiring submission and review of SSRs at the DoD level, this rule resolves these issues.

The following is a summary of the estimated public cost savings calculated in 2016 dollars at a 7-percent discount rate and in perpetuity:

Summary	Public	Government	Total
Present Value .....	– \$384,404	– \$101,487	– \$485,891
Annualized Costs .....	– 26,908	– 7,104	– 34,012
Annualized Value Costs (as of 2016 if Year 1 is 2019) .....	– 21,965	– 5,799	– 27,764

To access the full regulatory cost analysis for this rule, go to the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov), search for “DFARS Case 2017–D005,” click “Open Docket,” and view “Supporting Documents.”

**IV. 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, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and

Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**V. Executive Order 13771**

This final rule is considered to be an E.O. 13771 deregulatory action. The total annualized value of the cost savings is \$27,764 (as of 2016 if Year 1 is 2019). Details on the estimated cost savings can be found in section III of this preamble.

**VI. Regulatory Flexibility Act**

A final regulatory flexibility analysis (FRFA) has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

This final rule is necessary to provide updates on the submission and review of Summary Subcontract Reports (SSRs) in the Electronic Subcontracting Reporting System (eSRS). This rule amends the DFARS to require contractors with individual

subcontracting plans to submit a single, consolidated SSR in eSRS at the DoD level instead of submitting multiple SSRs to departments and agencies within DoD. The consolidated SSR will be acknowledged or rejected in eSRS at the DoD level. The rule will bring the clause at DFARS 252.219–7003, Small Business Subcontracting Plan (DoD Contracts), and its Alternate I, into compliance with the requirement for a consolidated SSR in the clause at FAR 52.219–9, Small Business Subcontracting Plan.

There were no issues raised by the public in response to the initial regulatory flexibility analysis provided in the proposed rule.

The rule will apply to DoD contractors who have individual subcontracting plans and must comply with the clause at DFARS 252.219–7003. Small entities are not required to comply with this clause and, therefore, will not be affected by the rule.

The rule does not impose any reporting or recordkeeping requirements on any small entities.

There are no known alternative approaches that would accomplish the stated objectives.

VII. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 252

Government procurement.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for part 252 continues to read as follows:

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

■ 2. Amend section 252.219-7003 by—

■ a. Removing the clause date of “(APR 2018)” and adding “(DEC 2018)” in its place;

■ b. Revising paragraphs (a), (b), (f)(1)(ii), and (f)(2)(ii);

■ c. Removing paragraph (f)(2)(iii); and

■ d. In Alternate I—

■ i. Removing the clause date of “(APR 2018)” and adding “(DEC 2018)” in its place; and

■ ii. Revising paragraphs (a), (b), (f)(1)(ii), and (f)(2).

The revisions reads as follows:

252.219-7003 Small Business Subcontracting Plan (DoD Contracts).

\* \* \* \* \*

(a) Definitions. Summary Subcontract Report (SSR) Coordinator, as used in this clause, means the individual who is registered in the Electronic Subcontracting Reporting System (eSRS) at the Department of Defense level and is responsible for acknowledging receipt or rejecting SSRs submitted under an individual subcontracting plan in eSRS for the Department of Defense.

(b) Subcontracts awarded to qualified nonprofit agencies designated by the Committee for Purchase From People Who Are Blind or Severely Disabled (41 U.S.C. 8502-8504), may be counted toward the Contractor’s small business subcontracting goal.

\* \* \* \* \*

(f)(1) \* \* \*

(ii) Submit the consolidated SSR for an individual subcontracting plan to the “Department of Defense.”

(2) \* \* \*

(ii) The authority to acknowledge receipt of or reject SSRs submitted under an individual subcontracting plan resides with the SSR Coordinator.

\* \* \* \* \*

Alternate I. \* \* \*

(a) Definitions. Summary Subcontract Report (SSR) Coordinator, as used in this clause, means the individual who is registered in the Electronic Subcontracting Reporting System (eSRS) at the Department of Defense level and is responsible for acknowledging receipt or rejecting SSRs submitted under an individual subcontracting plan in eSRS for the Department of Defense.

(b) Subcontracts awarded to qualified nonprofit agencies designated by the Committee for Purchase From People Who Are Blind or Severely Disabled (41 U.S.C. 8502-8504), may be counted toward the Contractor’s small business subcontracting goal.

\* \* \* \* \*

(f)(1) \* \* \*

(ii) Submit the consolidated SSR to the “Department of Defense.”

(2) For DoD, the authority to acknowledge receipt of or reject SSRs submitted under an individual subcontracting plan in eSRS resides with the SSR Coordinator.

\* \* \* \* \*

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BILLING CODE 5001-06-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

[Docket No. FMCSA-2016-0346]

RIN 2126-AB98

Commercial Learner’s Permit Validity

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow States the option of issuing a commercial learner’s permit (CLP) with an expiration date of up to one year from the date of initial issuance. The CLP must be valid for no more than one year from the initial date of issuance without requiring the CLP holder to retake the general and endorsement knowledge tests. CLPs

issued for a period of less than one year may be renewed provided the CLP is not valid for more than one year from the date of initial issuance. This rule does not require a State to revise its current CLP issuance practices, unless it chooses to do so. This rule is a deregulatory action as defined by Executive Order (E.O.) 13771, “Reducing Regulation and Controlling Regulatory Costs.”

DATES: This final rule is effective February 19, 2019.

Petitions for Reconsideration of this final rule must be submitted to the FMCSA Administrator no later than January 22, 2019.

FOR FURTHER INFORMATION CONTACT: Mr. Selden Fritschner, CDL Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, by email at Selden.Fritschner@dot.gov, or by telephone at 202-366-0677. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Rulemaking Documents

A. Availability of Rulemaking Documents

For access to docket FMCSA-2016-0346 to read background documents and comments received, go to http://www.regulations.gov at any time, or to Docket Services at U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

II. Executive Summary

Purpose and Summary of the Major Provisions

This final rule allows States the option of issuing a CLP valid for up to one year from the date of initial issuance. Within that one year period, the CLP may be renewed at the State’s discretion, but if it is renewed, the CLP may not be valid for more than a total of one year from the date of initial