

representations to be 211,529 unique entities by dividing the average number of DoD unique awardees in the Federal Procurement Data System (FPDS) by the average number of Federal unique awardees in FPDS for FY 2016 through FY 2018 to obtain a percentage of 49.78 percent of all Federal unique awardees that receive DoD awards. Applying 49.78 percent to the total number of active SAM registrants results in 211,529 estimated respondents. To further calculate the number of estimated respondents that are small businesses, this analysis multiplies the 211,529 estimated respondents for DoD by 69 percent, which is the percentage of unique DoD awardees on average for FY 2016 through FY 2018 in FPDS that are small businesses, to estimate 145,955 unique small entities impacted by DFARS 252.204–7016.

The provision at DFARS 252.204–7017, Prohibition on Acquisition of Covered Defense Telecommunications Equipment or Services—Representation, requires that if an offeror provides an affirmative representation under the provision at 252.204–7016, Covered Defense Telecommunications Equipment or Services—Representation, that offeror is required to represent whether it will or will not provide under the contract, covered defense telecommunications equipment or services. If the offeror responds affirmatively, the offeror is required to further disclose information about the covered defense telecommunications equipment or services.

DFARS provision 252.204–7017 is estimated to affect a total of only 3,054 unique small business entities. Although DoD has no factual basis on which to estimate at this time what percentage of offerors will respond affirmatively to this representation, to be conservative DoD estimates 10 percent of the 44,277 DoD unique awardees on average in FPDS for FY 2016 through FY 2018 (4,428) will respond affirmatively, which triggers the disclosure requirement of the representation. Applying the estimated 69 percent factor for small businesses to the estimate of 4,428 results in 3,054. To calculate the additional disclosure impact within 252.204–7017, DoD estimates 10 percent of the offerors filling out this representation will have to complete the additional disclosure (443 total, of which 306 are small entities).

The clause at DFARS 252.204–7018, Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services, requires contractors and subcontractors to report through <https://dibnet.dod.mil>, any

discovery of covered telecommunications equipment or services during the course of contract performance. Although DoD has no factual basis on which to estimate at this time what percentage of awardees will be required to submit a report, the clause is estimated to affect 443 unique entities, which is 1 percent of the number of unique entities that received DoD awards on average for FY 2016 through FY 2018 in FPDS (44,277). Of the 443 impacted entities 306 entities (69 percent) are estimated to be DoD unique small entities.

Because of the nature of the prohibition enacted by section 1656, it is not possible to establish different compliance or reporting requirements or timetables that take into account the resources available to small entities or to exempt small entities from coverage of the rule, or any part thereof. DoD was unable to identify any alternatives that would reduce the burden on small entities and still meet the objectives of section 1656.

VII. Paperwork Reduction Act

The rule contains information collection requirements that have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). This information collection requirement has been assigned OMB Control Number 0750–0002, titled: Covered Defense Telecommunications Equipment or Services.

List of Subjects in 48 CFR Parts 204, 212, 213, and 252

Government procurement.

Jennifer D. Johnson,
Regulatory Control Officer, Defense Acquisition Regulations System.

Accordingly, the interim rule amending 48 CFR parts 204, 212, 213, and 252 published at 84 FR 72231 on December 31, 2019, is adopted as a final rule with the following changes.

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.

252.204–7018 [Amended]

■ 2. Amend section 252.204–7018 by—
■ a. Removing the clause date of “(DEC 2019)” and adding “(JAN 2021)” in its place;

■ b. In paragraph (d)(2)(i), removing “one business day” and adding “3 business days” in its place; and
■ c. In paragraph (d)(2)(ii), removing “10 business days” and adding “30 business days” in its place.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212 and 252

[Docket DARS–2021–0001]

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 January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, OUSD(A&S)DPC(DARS), Room 3B938, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6100.

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

1. Corrects the numbering of paragraphs at section 212.301(f)(ii). On December 31, 2019, DoD published in the **Federal Register** at 84 FR 72231 an interim rule titled “Covered Defense Telecommunications Equipment or Services (DFARS Case 2018–D022)”. The rule added paragraphs (f)(ii)(H), (I), and (J); however the correct paragraph numbers should have reflected (f)(ii)(G), (H), and (I). A prior change to this section on October 31, 2019, published at 84 FR 58332, had redesignated paragraphs (f)(ii)(F) and (G) as paragraphs (f)(ii)(E) and (F); however, this redesignation was not reflected in the paragraph numbering in the December 19, 2019, publication. This sequence of events resulted in the current electronic Code of Federal Regulations (eCFR) not reflecting a paragraph (f)(ii)(G) in the numbering sequence, which this amendment corrects.

2. Corrects DFARS clause 252.244–7000 in paragraph (d) by removing “(c)” and adding “(d)” in its place. On

September 29, 2020, DoD published in the **Federal Register** at 85 FR 60918 a final rule titled “Treatment of Certain Items as Commercial Items (DFARS Case 2019–D029)” that included this change; however, the revision is not reflected in the eCFR. This amendment corrects the eCFR.

List of Subjects in 48 CFR Parts 212 and 252

Government procurement.

Jennifer D. Johnson,
Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 212 and 252 are amended as follows:

- 1. The authority citation for 48 CFR parts 212 and 252 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 by redesignating paragraphs (f)(ii)(H) through (M) as paragraphs (f)(ii)(G) through (L).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 3. Amend section 252.244–7000 by—
 - a. Removing the clause date of “(OCT 2020)” and adding “(JAN 2021)” in its place; and
 - b. Revising paragraph (d).

The revision reads as follows:

252.244–7000 Subcontracts for Commercial Items.

* * * * *

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract, including subcontracts for the acquisition of commercial items.

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[FR Doc. 2021–00616 Filed 1–14–21; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

[Docket DARS–2021–0001]

Defense Federal Acquisition Regulation Supplement: Technical Amendment

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

ACTION: Final rule.

SUMMARY: DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide a needed editorial change.

DATES: Effective February 24, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, OUSD(A&S)DPC(DARS), Room 3B938, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6100.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS to update a reference at DFARS 225.872–7 to remove a reference to DoD Industrial Security Regulation DoD 5220.22–R and replace it with the National Industrial Security Program Operating Manual (NISPOM), 32 CFR part 117. On December 21, 2020, DoD issued a final rule in the **Federal Register** at 85 FR 83300 to codify the NISPOM in the regulations. This change becomes effective February 24, 2021. Accordingly, this DFARS reference is being updated to incorporate this change.

List of Subjects in 48 CFR Part 225

Government procurement.

Jennifer D. Johnson,
Regulatory Control Officer, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

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

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

225.872–7 [Amended]

- 2. Amend section 225.872–7 by removing “DoD Industrial Security Regulation DoD 5220.22–R” and adding “National Industrial Security Program

Operating Manual, 32 CFR part 117” in its place.

[FR Doc. 2021–00617 Filed 1–14–21; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 239 and 252

[Docket DARS–2019–0031]

RIN 0750–AK07

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Clause “Tariff Information” (DFARS Case 2018–D044)

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 remove a clause that is no longer necessary.

DATES: Effective January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571–372–6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule in the **Federal Register** at 85 FR 34576 on June 5, 2020, to remove the DFARS clause 252.239–7006, Tariff Information, from the DFARS as the clause is no longer necessary. No public comments were received in response to the proposed rule. No changes were made to the rule, as proposed.

II. Applicability To Contracts At or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-The-Shelf Items

This rule only removes the obsolete contract clause at DFARS 252.239–7006, Tariff Information. This rule does not impose any new requirements on contracts at or below the simplified acquisition threshold or for commercial items, including commercially available off-the-shelf items.

III. Expected Cost Savings

This rule impacts only telecommunication service providers who do business, or want to do business, with DoD. DFARS clause 252.239–7006, Tariff Information, requires telecommunications service contractors to submit certain tariff and