FOR FURTHER INFORMATION CONTACT: Lucile Martin, (703) 602–0131.

# List of Subjects for 48 CFR Chapter 2

Government procurement.

Accordingly, under the authority of 41 U.S.C. 421 et seq., the Defense FAR Supplement authority citation for 48 CFR Parts 201 through 253 and Appendices A through I of Chapter 2 is revised and a new authority citation for Appendix G is added to read as follows:

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

## Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95–19315 Filed 8–14–95; 8:45 am] BILLING CODE 5000–04–M

# 48 CFR Parts 206, 207, 215, 219, and 252

[DFARS Case 95-D701]

# Defense Federal Acquisition Regulation Supplement; Contract Award (Interim)

**AGENCY:** Department of Defense (DoD). **ACTION:** Interim rule with request for comment.

SUMMARY: This interim rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994 ("the Act"). The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement concerning acquisition planning, contracting by negotiation, and competition requirements as a result of changes to Title 10 U.S.C. by Sections 1506, 3065, 3066, and 7101(b) of the

DATES: Effective Date: August 7, 1995.
Comment Date: Comments on the interim rule should be submitted in writing to the address shown below on or before October 6, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR),IMD 3D139,3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D701 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Mellissa D. Rider, DFARS FASTA Implementation Secretariat, at (703) 614–1634. Please Cite DFARS case 95–D701.

#### SUPPLEMENTARY INFORMATION:

### A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355 ("the Act"), dated October 13, 1994, provides authorities that streamline the acquisition process and minimize burdensome Government-unique requirements. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET).

DFARS Case 95–D701 addresses six defense-unique sections of the Act that were given immediate effectivity by Section 10001(c) of the Act: Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment; Section 1507, Regulations for Bids; Section 3063, DoD Acquisition of Intellectual Property Rights; Section 3065. Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles; Section 3066, Soft Drink Supplies; and Section 7101(b), Repeal of Certain Requirements. Following is a discussion of the changes associated with each section:

Section 1506, Repeal of Requirement Relating to Production Special Tooling and Production Special Test Equipment—This section repeals 10 U.S.C. 2329, which contained requirements relating to production special tooling and production special test equipment. The requirements of 10 U.S.C. 2329 had been implemented at DFARS 215.871 and was the sole reason that section was created. The interim rule removes and reserves DFARS 215.871.

Section 1507, Regulations for Bids-This section amends 10 U.S.C. 2381(a) to vest the Secretary of Defense with the authority to prescribe regulations covering the preparation, submission, and opening of bids. Existing FAR coverage at Subpart 1.3 already vests the Secretary of Defense with this authority, especially when one considers that 5 U.S.C. allows agency heads, such as the Secretary of Defense, to structure the internal administrative procedures of his/her agency to support, among other things, the procurement process. Therefore, DFARS was not amended to implement this Section of the Act.

Section 3063, DoD Acquisition of Intellectual Property Rights—This section of the Act rewords the listing of the types of copyrights, designs, patents, processes, etc., in which DoD may obtain rights in data, to include technical data and computer software and releases of past infringements or unauthorized use of technical data and computer software. Since the existing guidance at DFARS Part 227 already covers these types of situations, no change has been made to DFARS.

Section 3065, Codification and Revision of Limitation on Lease of Vessels, Aircraft, and Vehicles—This section of the Act adds a new section at 10 U.S.C. 2401a, which requires DoD to consider all costs and make a written determination prior to entering into any contract with a term of 18 months or more, or extending or renewing any contract for a term of 18 months or more, for any vessel, aircraft, or vehicle, through a lease, charter, or similar agreement. A new section is added at DFARS 207.470 to implement this section of the Act.

Section 3066, Soft Drink Supplies— This section of the Act amends 10 U.S.C. 2424, which authorizes noncompetitive procurement of supplies and services from exchange stores outside the United States, to make the limitations of 10 U.S.C. 2424(b) (1) and (2) inapplicable to the purchase of U.S. manufactured soft drinks. Those limitations (i.e., contract dollar value not to exceed \$50,000 and the requirement that supplies be on hand at the exchange store on the contract award date) created purchasing problems for the Defense Personnel Support Center (DPSC), the DLA activity currently responsible for commissary supplies of soft drinks. This interim rule amends the DFARS at 206.302-5(b), to specify that U.S. manufactured soft

Section 7101(b), Repeal of Certain Requirements—This section repeals Section 804 of Public Law 102–484, Certificate of Competency Requirements. This statute was implemented at DFARS 219.602–1(a), 219.602–70, and 252.219–7009. As the statutory requirement has been deleted, the interim rule deletes these DFARS sections.

drinks are not subject to the limitation

of 10 U.S.C. 2424(b) (1) and (2).

## **B. Regulatory Flexibility Act**

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because: the amendment at DFARS 206.302–5 pertains only to purchases made outside the United States for use by armed forces outside the United States; the amendment at DFARS Supbart 207.4 pertains to internal Government considerations regarding