

(4) Annual contractor certifications shall be submitted for consolidation and reporting in accordance with department/agency procedures.

48. Section 223.570-4 is amended by revising paragraph (b)(1) to read as follows:

**223.570-4 Contract clause.**

\* \* \* \* \*

(b) Do not use the clause in solicitations and contracts for—

(1) Commercial items; or

\* \* \* \* \*

49. Section 223.7101 is revised to read as follows:

**223.7101 Procedures.**

(a) If the contracting officer is uncertain as to whether particular activities are prohibited or fall under one of the exceptions in 223.7102, the contracting officer should seek advice from the cognizant office of counsel.

(b) When storage, treatment, or disposal of non-DoD-owned toxic or hazardous materials is authorized in accordance with this subpart, the contract or authorization should specify the types, conditions, and quantities of toxic or hazardous materials that may be temporarily stored, treated, or disposed of in connection with the contract or as a result of the authorized commercial use of a DoD industrial-type facility.

**223.7102 [Amended]**

50. Section 223.7102 is amended by removing at the end of paragraph (a)(7) the word “or”; by removing at the end of paragraph (a)(8) the period and adding a semicolon and the word “or”; and by adding paragraph (a)(9)(ii) the word “into” after the word “Enters.”

**PART 225—FOREIGN ACQUISITION**

**225.302 [Amended]**

51. Section 225.302 is amended by revising in paragraph (b)(i) under the heading “DEFENSE LOGISTICS AGENCY” the entry “Executive Director, Contracting” to read “Executive Director, Procurement”; and to add a new heading and entry between the headings “DEFENSE MAPPING AGENCY” and “ON-SITE INSPECTION AGENCY” to read “DEPARTMENT OF DEFENSE OFFICE OF DEPENDENTS SCHOOLS, Director.”

**225.403 [Amended]**

52. Section 225.403 is amended by revising in paragraph (d)(1)(A) the phrase “(USD(A)DP)” to read “(USD(A&T)DP):” by revising in paragraph (d)(1) (B) introductory text the phrase “(USD(A)DP)” to read “(USD(A&T)DP);” by revising in

paragraph (d)(1)(B)(2) the phrase “(USD(A)DP)” to read “(USD(A&T)DP).”

**225.770-4 [Amended]**

53-54. Section 225.770-4 is amended by revising the phrase “(OUSD(A)DP)” to read “(OUSD(A&T)DP).”

**225.871-7 [Amended]**

55. Section 225.871-7 is amended in paragraph (a)(1) revising the phrase “(ASD(P&L))” to read “(USD(A&T)DP).”

**225.872-1 [Amended]**

56. Section 225.872.1 is amended in paragraph (a) by adding to the listing in alphabetical order the country “Australia”; and is amended in paragraph (b) by removing from the listing the country “Australia.”

**225.872-2 [Amended]**

57. Section 225.872-2 is amended by revising in paragraph (a)(2)(ii) the phrase “(OASD(P&L), Office of Industrial Base Assessment)” to read “the Deputy Assistant Secretary of Defense (Industrial Affairs).”

**225.872-3 [Amended]**

58. Section 225.872-3 is amended by revising in paragraph (f)(4) the phrase “(Acquisition)” to read “(Acquisition & Technology).”

59. Section 225.7002-2 is amended by adding a new paragraph (j) to read as follows:

**225.7002-2 Exceptions.**

\* \* \* \* \*

(j) Commercial items or components purchased by contractors from subcontractors/suppliers.

60. Section 225.7004-4 is amended by revising paragraph (b) to read as follows:

**225.7004-4 Waiver.**

\* \* \* \* \*

(b) The restriction is waived when it would cause unreasonable costs. The cost of the item of U.S. or Canadian origin is unreasonable if it exceeds 150 percent of the offered price, inclusive of duty, of items which are not of U.S. or Canadian origin.

61. Section 225.7007-4 is revised to read as follows:

**225.7007-4 Waiver.**

The waiver criteria at 225.7004-4 also apply to this restriction.

62. Section 225.7010-3 is revised to read as follows:

**225.7010-3 Waiver.**

The waiver criteria at 225.7004-4 also apply to this restriction.

63. Section 225.7016-3 is revised to read as follows:

**225.7016-3 Waiver.**

The waiver criteria at 225.7004-4 also apply to this restriction.

**225.7018-2 [Amended]**

64. Section 225.7018-2 is amended by revising the phrase “(Acquisition)” to read “(Acquisition & Technology).”

**225.7019-2 [Amended]**

65. Section 225.7019-2 is amended by revising in paragraph (b) the word “products” to read “items.”

**225.7023-1 [Amended]**

66. Section 225.7023-1 is amended by revising the phrase “Section 8101” to read “Section 8112.”

**225.7023-3 [Amended]**

67. Section 225.7023-3 is amended by revising the word “Restrictions” to read “Restriction.”

**225.7103 [Amended]**

68. Section 225.7103 is amended by revising in paragraph (a) the phrase “small purchase” to read “simplified acquisition”; and by revising in paragraph (c) introductory text the word “products” to read “items.”

69. Section 225.7201 is revised to read as follows:

**225.7201 Exception.**

This subpart does not apply to contracts for commercial items, construction, ores, natural gas, utilities, petroleum products and crudes, timber (logs), or subsistence.

**225.7307-1 [Amended]**

70. Section 225.7307-1(f) is amended to revise the phrase “(OUSD(A)DP(FC))” to read “(OUSD(A&T)DP(FC)).”

**225.7307-2 [Amended]**

71. Section 225.7307-2 is amended in paragraph (b) by revising the phrase “(OASD(P&L))” to read “(USD(A&T)DP).”

**PART 226—OTHER SOCIOECONOMIC PROGRAMS**

72. A new subpart 226.1 is added to read as follows:

**Subpart 226.1—Indian Incentive Program.**

**226.103 Procedures.**

Contracting officers shall contact the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense for Acquisition and Technology, OUSD(A&T) SADB, Room 2A340, The Pentagon, Washington, DC 20301-3061, (703) 697-1688, to obtain funding for an approved Indian incentive payment request. Upon receipt of funding from OUSD(A&T)