

commercial items or commercial components (see 212.504(a)(xxii)).

* * * * *

247.572-2 [Amended]

115. Section 247.572-2 is amended by removing at the end of paragraph (a)(4) the word "and"; by removing the period at the end of paragraph (a)(5) and inserting a semicolon and the word "and" in its place; and by adding a new paragraph (a)(6) to read as follows:

247.572-2 Direct purchase of ocean transportation services.

(a) * * *

(6) Subcontracts under Government contracts or agreements for ocean transportation services.

* * * * *

PART 249—TERMINATION OF CONTRACTS

249.7002 [Amended]

116. Section 249.7002 is amended in paragraph (b) introductory text by revising the phrase "Office of Economic Adjustment (OEA), Assistant Secretary of Defense (Force Management and Personnel)" to read "Assistant Secretary of Defense (Economic Security), Office of Economic Adjustment (OEA)"; and in paragraph (b)(2) by revising the Telefax number to read "(703) 604-5843."

PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

117. Section 250.201-70 is amended by revising in paragraph (b)(1) the phrase "Under Secretary of Defense (Acquisition) (USD(A))" to read "Under Secretary of Defense (Acquisition & Technology) (USDA&T)"; and by revising in paragraph (b)(2) the phrase "USD(A)" to read "USD(A&T)."

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

118. Section 252.203-7000 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (a)(3) to read as follows:

252.203-7000 Statutory prohibitions on compensation to former Department of Defense employees.

* * * * *

(a) * * *

(3) *Defense contractor* means an entity (including affiliates and subsidiaries which clearly engage in the performance of Department of Defense (DoD) contracts) that contracts directly with the DoD to supply goods or services. "Defense contractor" does not include a State or local government or any person who contracts to supply the

Department of Defense only commercial items.

* * * * *

119. Section 252.203-7001 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (g) to read as follows:

252.203-7001 Special prohibition on employment.

* * * * *

(g) The Contractor agrees to include the substance of this clause, appropriately modified to reflect the identity and relationship of the parties, in all first-tier subcontracts exceeding the simplified acquisition threshold in part 13 of the Federal Acquisition Regulation, except those for commercial items or components.

* * * * *

252.203-7003 [Removed]

120. Section 252.203-7003 is removed.

252.204-7001 [Amended]

121. Section 252.204-7001 is amended by revising in the introductory text the reference "204.603-70" to read "204.602-70."

122. Section 252.209-7000 is amended by revising the clause date to read "(NOV 1995)" and by revising paragraph (b) to read as follows:

252.209-7000 Acquisition from subcontractors subject to on-site inspection under the Intermediate-Range Nuclear Forces (INF) Treaty.

* * * * *

(b) The Contractor shall incorporate this clause, including this paragraph (b), in all solicitations and contracts exceeding the simplified acquisition threshold in part 13 of the Federal Acquisition Regulation, except those for commercial items.

252.209-7007 [Amended]

123. Section 252.209-7007 is redesignated as 252.209-7005; the clause date is revised to read "(NOV 1995)"; the title of paragraph (a) is revised to read "*Definition*"; and paragraph (b) is revised to read as follows:

252.209-7005 Military recruiting on campus.

* * * * *

(b) *General.*

An institution of higher education that has been determined, using procedures established by the Secretary of Defense to implement section 558 of Pub. L. 103-337, (1) to have a policy of denying, or (2) to prevent effectively the Secretary of Defense from obtaining for military recruiting purposes, entry to their campuses, access to students on campuses, or access to directory information pertaining to students, is ineligible for contract award and payments under existing contracts. In addition, the

Government shall terminate this contract for the Contractor's material failure to comply with the terms and conditions of award.

* * * * *

252.210-7000 [Amended]

124. Sections 252.211-7000 through 252.211-7021 are removed and Section 252.210-7000 is redesignated as 252.211-7003 and the introductory text is revised to read "As prescribed in 211.270-2, use the following provision:".

252.210-7001 [Amended]

125. Section 252.210-7001 is redesignated as 252.211-7001 and the introductory text is revised to read "As prescribed in 211.204(c), use the following provision:".

252.210-7002 [Amended]

126. Section 252.210-7002 is redesignated as 252.211-7002 and the introductory text is revised to read "As prescribed in 211.204(c), use the following provision:".

252.210-7003 [Amended]

127. Section 252.210-7003 is redesignated as 252.211-7000 and the introductory text is revised to read "As prescribed in 211.002-70, use the following clause:".

252.210-7004 [Amended]

128. Section 252.210-7004 is redesignated as 252.211-7004 and the introductory text is revised to read "As prescribed in 211.272, use the following provision:".

129-130. Sections 252.212-7000 and 252.212-7001 are added to read as follows:

252.212-7000 Offeror representations and certifications—Commercial items.

As prescribed in 212.301(f)(iii), use the following provision:

OFFEROR REPRESENTATIONS AND CERTIFICATIONS—COMMERCIAL ITEMS (NOV 1995)

(a) *Definitions.*

As used in this clause—

(1) *Foreign person* means any person other than a United States person as defined in Section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. Sec. 2415).

(2) *United States person* is defined in Section 16(2) of the Export Administration Act of 1979 and means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.