

(2) Perform periodic assessments to ensure full compliance with Federal export laws and regulations.

(f) Nothing in the terms of this contract is intended to change, supersede, or waive any of the requirements of applicable Federal laws, Executive orders, and regulations, including but not limited to—

(1) The Export Administration Act of 1979 (50 U.S.C. App. 2401 as extended by Executive Order 13222);

(2) The Arms Export Control Act of 1976 (22 U.S.C. 2751);

(3) The Export Administration Regulations (15 CFR parts 730–774);

(4) The International Traffic in Arms Regulations (22 CFR parts 120–130);

(5) DoD Directive 2040.2, International Transfers of Technology, Goods, Services, and Munitions; and

(6) DoD Industrial Security Regulation (DoD 5220.22–R).

(g) The Contractor shall include the substance of this clause, including this paragraph (g), in all subcontracts for—

(1) Research and development; or

(2) Services or supplies that may involve the use or generation of export-controlled information or technology.

(End of clause)

#### 252.235–7002, 252.235–7003, 252.235–7010, and 252.235–7011 [Amended]

6. Sections 252.235–7002, 252.235–7003, 252.235–7010, and 252.235–7011 are amended in the introductory text by removing “235.071” and adding in its place “235.072”.

[FR Doc. 05–13305 Filed 7–11–05; 8:45 am]

BILLING CODE 5001–08–P

## DEPARTMENT OF DEFENSE

### 48 CFR Part 222

[DFARS Case 2003–D019]

#### Defense Federal Acquisition Regulation Supplement; Labor Laws

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text regarding the application of labor laws to Government contracts. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before September 12, 2005, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2003-D019, using any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Defense Acquisition Regulations Web site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.

- E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2003–D019 in the subject line of the message.

- Fax: (703) 602–0350.

- Mail: Defense Acquisition Regulations Council, Attn: Mr. Euclides Barrera, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Euclides Barrera, (703) 602–0326.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dfars/transf.htm>.

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes include—

- Relocation of text from DFARS 222.101–1, 222.101–3–70, and 222.101–4(a)(ii) to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>. The relocated text contains internal procedures for contracting officers to follow when dealing with labor relations matters and preparing reports on labor disputes.

- Deletion of DFARS 222.404–2 because it is no longer applicable.

- Deletion of DFARS 222.404–3 and 222.404–11 because the coverage in these sections is already provided by the FAR or internal agency procedures.

- Partial relocation of DFARS 222.406–8 to PGI. The relocated text prescribes internal procedures that contracting officers must follow in conducting labor investigations and preparing respective reports.

- Deletion of unnecessary text at DFARS 222.407.

- Deletion of DFARS 222.804–2 and 222.805 because the FAR provides sufficient coverage.

- Relocation of DoD internal procedures from DFARS 222.807 to PGI.

- Deletion of unnecessary text at DFARS 222.1003–7.

- Relocation of DoD internal procedures from DFARS 222.1008–2 and 222.1014 to PGI.

- Revision of DFARS Subpart 222.13 to update section headings and references for consistency with the corresponding FAR subpart; and relocation of DoD internal procedures to PGI.

- Deletion of DFARS 222.1406(1) because adequate coverage is provided in the FAR.

- Deletion of unnecessary text at DFARS 222.7100 and 222.7200.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD does not expect this rule 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 rule deletes redundant or obsolete language, removes procedural or DoD internal guidance, and relocates to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), information and internal DoD procedures that do not have a significant impact on the public. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD will also consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D019.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 222**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

Therefore, DoD proposes to amend 48 CFR part 222 as follows:

1. The authority citation for 48 CFR part 222 continues to read as follows:

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

**PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**

2. Section 222.101–1 is revised to read as follows:

**222.101–1 General.**

Follow the procedures at PGI 222.101–1 for referral of labor relations matters to the appropriate authorities.

3. Section 222.101–3–70 is revised to read as follows:

**222.101–3–70 Impact of labor disputes on defense programs.**

(a) Each department and agency shall determine the degree of impact of potential or actual labor disputes on its own programs and requirements. For guidance on determining the degree of impact, see PGI 222.101–3–70(a).

(b) Each contracting activity shall obtain and develop data reflecting the impact of a labor dispute on its requirements and programs. Upon determining that the impact of the labor dispute is significant, the head of the contracting activity shall submit a report of findings and recommendations to the labor advisor in accordance with departmental procedures. This reporting requirement is assigned Report Control Symbol DD–AT&L(AR)1153 and must include the information specified at PGI 222.101–3–70(b).

4. Section 222.101–4 is amended by revising paragraph (a)(ii) to read as follows:

**222.101–4 Removal of items from contractors' facilities affected by work stoppages.**

(a) \* \* \*

(ii) Upon the recommendation of the labor advisor, provide a written request for removal of the material to the cognizant contract administration office. Include in the request the information specified at PGI 222.101–4(a)(ii).

\* \* \* \* \*

5. Section 222.102–1 is revised to read as follows:

**222.102–1 Policy.**

(1) Direct all inquiries from contractors or contractor employees

regarding the applicability or interpretation of Occupational Safety and Health Act (OSHA) regulations to the Department of Labor.

(2) Upon request, provide the address of the appropriate field office of the Occupational Safety and Health Administration of the Department of Labor.

(3) Do not initiate any application for the suspension or relaxation of labor requirements without prior coordination with the labor advisor. Any requests for variances or alternative means of compliance with OSHA requirements must be approved by the Occupational Safety and Health Administration of the U.S. Department of Labor.

**222.404–2 through 222.404–11 [Removed]**

6. Sections 222.404–2 through 222.404–11 are removed.

7. Section 222.406–8 is amended by revising paragraph (a), the heading of paragraph (c), and paragraph (d) to read as follows:

**222.406–8 Investigations.**

(a) Before beginning an investigation, the investigator shall inform the contractor of the general scope of the investigation, and that the investigation will include examining pertinent records and interviewing employees. In conducting the investigation, follow the procedures at PGI 222.406–8(a).

(c) *Contractor notification.*

\* \* \* \* \*

(d) *Contracting officer's report.* Forward a detailed enforcement report or summary report to the agency head in accordance with agency procedures. Include in the report, as a minimum, the information specified at PGI 222.406–8(d).

**222.407 [Removed]**

8. Section 222.407 is removed.

**222.804–2 and 222.805 [Removed]**

9. Sections 222.804–2 and 222.805 are removed.

10. Section 222.807 is revised to read as follows:

**222.807 Exemptions.**

(c) Follow the procedures at PGI 222.807(c) when submitting a request for an exemption.

**222.1003–7 [Removed]**

11. Section 222.1003–7 is removed.

12. Section 222.1008–2 is revised to read as follows:

**222.1008–2 Preparation of SF 98a.**

Follow the procedures at PGI 222.1008–2 regarding use of the Service Contract Act Directory of Occupations when preparing the SF 98a.

13. Section 222.1014 is revised to read as follows:

**222.1014 Delay of acquisition dates over 60 days.**

Follow the procedures at PGI 222.1014 for submission of update requests to the Wage and Hour Division.

14. Subpart 222.13 is revised to read as follows:

**Subpart 222.13—Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans**

Sec.

222.1305 Waivers.

222.1308 Complaint procedures.

222.1310 Solicitation provision and contract clauses.

**222.1305 Waivers.**

(c) Follow the procedures at PGI 222.1305(c) for submission of waiver requests.

**222.1308 Complaint procedures.**

The contracting officer shall—

(1) Forward each complaint received as indicated in FAR 22.1308; and

(2) Notify the complainant of the referral. The contractor in question shall not be advised in any manner or for any reason of the complainant's name, the nature of the complaint, or the fact that the complaint was received.

**222.1310 Solicitation provision and contract clauses.**

(a)(1) Use of the clause at FAR 52.222–35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans, with its paragraph (c), Listing Openings, also satisfies the requirement of 10 U.S.C. 2410k.

15. Section 222.1406 is revised to read as follows:

**222.1406 Complaint procedures.**

The contracting officer shall notify the complainant of such referral. The contractor in question shall not be advised in any manner or for any reason of the complainant's name, the nature of the complaint, or the fact that the complaint was received.

**222.7100 and 222.7200 [Removed]**

16. Sections 222.7100 and 222.7200 are removed.

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