

**The Department of Defense Regulatory Reform Task Force
Progress Report
(October 1, 2018 through December 31, 2018)**

I. Reviews During Reporting Period

During this reporting period, the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) reviewed 121 regulations and, as detailed in the attached list, recommends 22 for repeal, 3 for replacement, 17 for modification, and 79 for retention.

This reporting period concludes the DoD Task Force's review of the Departments existing regulations. Regulatory reform efforts will now fully move into the implementation phase. During this phase, the Task Force will track and monitor the DoD Components' progress with implementing the recommendations. The Task Force will ensure that the appropriate DoD Components implement all regulatory and deregulatory actions in accordance with the law.

Additionally, in accordance with Executive Order 12866, "Regulatory Planning and Review" and the Department's reform initiatives, DoD Components will be asked to prioritize the regulations they need to issue in the next 12 months.

II. Total Reviews

Since beginning its work in April 2017, the Task Force has reviewed the 716 DoD regulations it identified at the outset, including 350 Defense Federal Acquisition Regulation Supplement clauses and provisions. As several regulations were reviewed by section, others reviewed more than once, and in some cases the original disposition was changed, the Task Force in actuality reviewed more than 716 regulations. However, the accounting below reflects final dispositions as of December 31, 2018, when the Task Force completed review of the Department's codified regulations. Implementation of the recommendations will carry on through three to five years as regulatory actions must follow certain requirements in accordance with law.

To date, DoD has realized \$5,127,000.00 in actual deregulatory cost savings (through the finalization of regulations) and has identified an estimated \$ _____ in additional proposed deregulatory cost savings for the public. That savings estimate is anticipated to increase as the DoD Components work with the Office of Management and Budget (OMB) to analyze the cost savings that may result from additional proposed deregulatory actions. This information will be provided in future reports, as it is approved by OMB. (b)(5)

Below is an accounting of the Department's total proposed and completed regulatory actions and related cost estimates based on "performance indicators" as set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" A performance goal of the Department is to reduce existing regulations by 25% in order to meaningfully reduce burden to the public. The Task Force has recommended 249 of 716 regulations for repeal (35%).

Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – December 31, 2018)	Total Reviewed	Percent Reviewed
Task Force Reviewed Regulations	716 out of 716	100%
Task Force Recommended Deregulatory/Repeal Actions	249 out of 716	35%
Task Force Recommended Modify/Amend Actions	81 out of 716	11%
Task Force Recommended Replace (Consolidate)/Revise Actions	49 out of 716	7%
Task Force Recommended Retain Actions	337 out of 716	47%
Administrative Repeal Actions Issued After 20 January 2017 ¹ (not counted as deregulatory actions for purposes of EO 13771)	58	
Deregulatory Actions Issued After 20 January 2017 ²	4	
Significant Regulatory Actions Issued After 20 January 2017 ³	4	
Deregulatory Actions Issued that included public input/peer review	4	
Total Incremental Cost of New Significant Regulatory Actions	Estimated \$ TBD	
Total Incremental Cost of Deregulatory Actions	Estimated -\$5,127,000.00	
Total Incremental Cost of Proposed Deregulatory Actions ⁴	Estimated	

(b)(5)

¹ Many of the Department's repeal rules fall into the category of "administrative cleanup" and do not count as deregulatory actions under EO 13771.

² Many recommended deregulatory/repeal actions are contingent on the revision of other regulatory actions, and all regulatory actions must be submitted to OMB for review and approval, in accordance with law.

³ Many of the Department's rules are fully or partially exempt or not subject to the requirements of EO 13771.

⁴

(b)(5)

III. Implementation

DoD Components have begun to implement the Task Force's approved recommendations. For example, 58 regulations on various topics have been repealed. There are 321 recommendations that still require action, and 81 (47 repeals, 19 replacements, and 15 modifications) of those are in the regulatory process.

Should a DoD Component need to take a different action on a rule than what was approved, a new disposition form will be provided by email to the Task Force members for consideration of the new proposed action. Any changes in disposition will be reflected in the quarterly progress reports to the Performing the Duties of the Deputy Secretary of Defense.

IV. Conclusion

The Task Force will continue to track and report on the 716 DoD regulations reviewed in accordance with EO 13777 to support the Department's regulatory reform initiatives to reduce unnecessary regulatory burden on the public. This report is the final report providing review status and recommendations for approval. The next quarterly and future reports will provide status on the DoD Component's progress with implementing the DoD Task Force recommendations.

**DoD Regulatory Reform Task Force's Sixth Set of Recommendations
(October 1, 2018 through December 31, 2018)**

RECOMMENDATION: REPEAL (REMOVE)	
CFR PART AND TITLE	RATIONALE
32 CFR 2, Pilot Program Policy	Outdated, unnecessary or ineffective. Section 809 of NDAA for FY 1991, as amended, authorized the Secretary to waive or limit certain laws, regulations, and policies for programs designated to participate in the Defense Acquisition Pilot Program. The Secretary's authority under section 809 expired on September 30, 1995.
32 CFR 107, Personal Services Authority for Direct Health Care Providers	Outdated, unnecessary or ineffective. The implementing regulation for 10 USC 1091 is at DFARS at 237.104(b)(ii).
32 CFR 162, Productivity Enhancing Capital Investment	Outdated, unnecessary or ineffective. The Productivity Enhancing Capital Investment Program was discontinued and the annual report was sunset in December 1997.
32 CFR 204, User Fees	Outdated, unnecessary or ineffective. This regulation is redundant and internal. DoD Financial Management Regulation (DoD FMR) Volume 11A, Chapter 4, "User Fees," provides the same information and/or additional, more extensive information than 32 CFR Part 204. OUSD(C) will publish a notice in the Federal Register.
32 CFR 338, Availability to the Public of Defense Nuclear Agency Instructions and Changes Thereto	Outdated, unnecessary or ineffective. The current rule is obsolete and unnecessary. This is due to the disestablishment of Defense Nuclear Agency and the eventual incorporation of its successor organization into Defense Threat Reduction Agency.
32 CFR 246, Stars and Stripes (S&S) Newspaper and Business Operations	Outdated, unnecessary or ineffective. Content is internal to the Department. Addresses responsibilities and internal procedures applicable to the operation of Stars and Stripes.

<p>32 CFR 534, Military Court Fees</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. This rule is unnecessary and imposes no burden on, nor imparts any relevant knowledge on, the public. Reference AR 37-106 no longer exists and has been superseded by DFAS-in Regulation 37-1, Finance and Accounting for Installations Travel and Transportation Allowances, 01 SEP 95.</p>
<p>32 CFR 555, Corps of Engineers, Research and Development, Laboratory Research and Development and Tests, Work for Others</p>	<p>Outdated, unnecessary or ineffective. The Corps developed an overarching structure to govern and synchronize laboratories and research centers for Military and Civil Works research and development. This rule prevents efficiencies gained from the new laboratory structure, and prevents collaboration with new or reorganized defense and civil agencies.</p>
<p>32 CFR Part 571, Recruiting and Enlistments</p> <p>NOTE: In December 2017, the RRTF approved a recommendation for repeal contingent upon the modification of 32 CFR 66. Upon additional review, Army subject matter experts and General Counsel determined that 32 CFR 66 more than adequately covers all of Army equities captured in Part 571 (including enlistment eligibility, incentives, and waivers). In fact, Part 66 provides a more detailed overview of each of the aforementioned areas than that which was captured in Part 571.</p> <p>NOT COUNTED IN TOTAL. PREVIOUSLY COUNTED AS A CONTINGENT REPEAL.</p>	<p>Outdated, unnecessary or ineffective. The rule set forth the Army standards for enlistment, promulgated in accordance with 10 U.S.C. 3013 and DoD Instruction 1304.26. The rule was last updated in 2007 (72 FR 26576). These standards for enlistment, appointment, and induction into the Military Services are covered by 32 CFR Part 66 and DoD Instruction 1304.26; therefore, this part is unnecessary.</p>
<p>32 CFR 589, Compliance with Court Orders by Personnel and Command Sponsored Family Members</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. This part provides guidance for DoD cooperation with courts and federal, state, and local officials in enforcing court orders pertaining to military personnel and DoD employees serving outside the United States, as well as their command sponsored family members.</p>

<p>32 CFR 716, Death Gratuity</p> <p>NOT COUNTED IN TOTAL. PREVIOUSLY COUNTED AS A CONTINGENT REPEAL.</p>	<p>Outdated, unnecessary or ineffective. Current guidance related to the death gratuity is captured in 10 U.S.C. 1475-1480 and Volume 7A, Chapter 36 of the FMR.</p>
<p>32 CFR 726, Payments of Amounts Due Mentally Incompetent Members of the Naval Service</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. FMR: covers the process and requirements for making payments; Chapter 18, MEDMAN: covers the board processes; and, SECNAV Instruction 1850.4E: covers the process for determining mental capacity.</p>
<p>32 CFR 881, Determination of Active Military Service and Discharge for Civilian or Contractual Groups</p> <p>NOTE: On May 3, 2018, the RRTF approved a recommendation for the repeal of this part contingent upon its incorporation in the DoD-level rule at 32 CFR part 47. During implementation, it was determined that the content of part 881 is already covered by 32 CFR part 47.</p> <p>NOT COUNTED IN TOTAL. PREVIOUSLY COUNTED AS A CONTINGENT REPEAL.</p>	<p>Outdated, unnecessary or ineffective. Content duplicative of 32 CFR part 47.</p>
<p>32 CFR 887, Issuing of Certificates In Lieu of Lost or Destroyed Certificates of Separation</p>	<p>Outdated, unnecessary or ineffective. 36 CFR 1233 includes content related to 887 and references the National Archive and Records Administration (NARA) website which outlines procedures for requesting copies of military records held by the Services as well as NARA.</p>
<p>32 CFR 1280, Investigating and Processing Certain Non-contractual Claims And Reporting Related Litigation</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. DLA has internal procedures in place to address the loss, damage, destruction, or theft of government property.</p>
<p>33 CFR 240, General Credit for Flood Control</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. Internal guidance contained in ER 1165-2-208 was published in a Federal Register Notice on December 16, 2015.</p>

<p>33 CFR 279, Resource Use: Establishment of Objectives</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. Additionally, environmental evaluation is required under the National Environmental Policy Act of 1969, and is implemented by the Corps pursuant to 33 CFR 230.</p>
<p>36 CFR 328, Regulation of Seaplane Operations at Civil Works Water Resource Development Projects Administered by the Chief of Engineers</p>	<p>Outdated, unnecessary or ineffective. Content is internal to the Department. ER/EP 1130-2-550, Chapter 11, establishes policy and guidance for seaplane operations on USACE Water Resources Development Projects in order to protect project resources, the integrity of all authorized uses of Corps projects, and the safety of all users.</p>
<p>48 CFR 252.204-7013, Limitations on the Use or Disclosure of Information by Litigation Support Offerors</p>	<p>Outdated, unnecessary or ineffective. The terms and conditions provided in this provision are not necessary to solicit for proposals for litigation support services. The requirements of section 802 of NDAA 2012 apply to litigation support contractors, and do not need to be applied to offerors.</p>
<p>48 CFR 252.204-7015, Notice of Authorized Disclosure of Information for Litigation Support</p>	<p>Outdated, unnecessary or ineffective. DoD has been granted the authority to provide certain types of non-public information to litigation support contractors performing under DoD contracts. This clause is not required to comply with section 802 of NDAA 2012 and no further approvals are necessary for DoD to utilize the authority granted by section 802. DoD's implementation of section 802 requires several necessary precautions to prevent disclosure or misuse of any information provided to litigation support contractors in accordance with the statute. This additional disclosure is unnecessary.</p>
<p>48 CFR 252.211-7004, Alternate Preservation, Packaging, and Packing</p>	<p>Outdated, unnecessary or ineffective. The ability to make tradeoffs between commercial standards/military specifications and cost/price already exists for acquisition officials as part of acquisition planning; therefore, this</p>

	<p>provision is no longer necessary. Additionally, when using tradeoffs, the evaluation criteria and the source selection process should be fully explained in the solicitation to ensure clear and comprehensive guidance is provided to offerors, who will use this information to provide proposals to the Government. As such, it is appropriate to remove this provision to avoid the potential for conflicting information and procedures associated with proposal development and evaluation.</p>
<p>48 CFR 252.211-7005, Substitutions for Military or Federal Specifications and Standards</p>	<p>Outdated, unnecessary or ineffective. This clause is outdated, as it provides information on a DoD-wide Single Process Initiative process that is no longer in use. The original intent of this clause has been met and, as a result, the use of Single Process Initiative has dramatically declined since its inception. The use of non-governmental specifications is still encouraged through current acquisition practices and repeal of the clause would not prevent DoD from continuing to use Single Process Initiative, as necessary.</p>
<p>48 CFR 252.232-7001, Disposition of Payments</p>	<p>Outdated, unnecessary or ineffective. Incorporate the text of 252.232-7001, Disposition of Payments, into DFARS clause 252.232-7000, Advance Payment Pool. DFARS clause 252.232-7001 clarifies where payments will be made when different from the disbursing office listed in the Advance Payment Pool Agreement. The text of 252.232-7001 is used in conjunction with -252.232-7000 and, as such, these terms should be located together for ease of the contractor. When the contractor requests payment under an Advanced Payment Pool Agreement and the contractor was not issued a letter of credit by the U.S. Treasury, this clause clarifies that payment will be issued from the U.S. Treasury to the contractor's disbursing office (i.e., the contractor's designated bank account for the funds), as listed in the agreement.</p>

48 CFR 252.237-7002, Award to Single Offeror	<p>Outdated, unnecessary or ineffective. DoD policy requires mortuary services to be awarded as requirements contracts. The nature of a requirements contract is that only one award can be made in response to the solicitation; therefore, the disclosure of the information in the provision is redundant. When a solicitation is issued, a contracting officer identifies the type of contract that will be awarded via FAR clause 52.216-1, Type of Contract, and must include a section in the solicitation document that identifies the basis upon which award will be made, along with all relevant evaluation factors. As such, the remaining information provided by this provision is already addressed elsewhere and this provision is no longer necessary.</p>
48 CFR 252.247-7021, Returnable Containers Other Than Cylinders	<p>Outdated, unnecessary or ineffective. Based on input from DoD subject matter experts in transportation, this clause is no longer used in transportation contracts. If such specifications are necessary, they can be incorporated and negotiated into the contract's performance work statement.</p>
TOTAL RULES FOR REPEAL: 22	

RECOMMENDATION: REPLACE (REVISE)	
CFR PART AND TITLE	RATIONALE
32 CFR 47, Active Duty Service for Civilian and Contractual Groups	<p>Outdated, unnecessary or ineffective. Update to remove content internal to the Department and make administrative changes. This part establishes policy and assigns responsibilities for determining whether a civilian or contractual group can be recognized for active duty service.</p>
32 CFR 564, National Guard Regulations	<p>Outdated, unnecessary or ineffective. Recommend revision of the regulation: Sections 564.37 through 564.41 should be repealed. Authority for Guard members to receive medical care when on full time training duty for greater than 30 days is found in DoD Instruction 1215.07. Authority for the recovery, care, and disposition of remains of members of the</p>

	National Guard is provided in 10 U.S.C. 1481. Sections 564.51 through 564.58 should be updated based on legislative and policy amendments made since 1954.
33 CFR Part 209, Administrative Procedure	Outdated, unnecessary or ineffective. The existing administrative procedures in this Part should be deleted as they are outdated, or their subject matter is now covered elsewhere. A new rulemaking, "Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply", 81 FR 91556, has been proposed for inclusion in Part 209. Publication of the final rule is projected for August 2019.
TOTAL RULES FOR REVISION: 3	

RECOMMENDATION: MODIFY (AMEND)	
CFR PART AND TITLE	RATIONALE
32 CFR 199.7, Claims Submission, Review & Payment NOT COUNTED IN TOTAL	Outdated, unnecessary or ineffective. Modify rule to: 1) Review the continued medical benefit applicability of the Non-availability Statement (199.4 and 199.7), (2) Clarify Patient's Identification Information is the DoD Benefit Number, (3) Update terminology from Health Benefits Advisors (HBA) to Beneficiary Counseling and Assistance Coordinator.
32 CFR 199.11, Overpayments Recovery NOT COUNTED IN TOTAL	Outdated, unnecessary or ineffective. Modify this section to remove the language which states administrative offsets may not be conducted more than 10 years after the Government's right to collect the debt accrued.
32 CFR 199.15, Quality And Utilization Review Peer Review Organization Program NOT COUNTED IN TOTAL	Outdated, unnecessary or ineffective. Modify as follows: (1) CHAMPUS and OCHAMPUS should be retained with reference to TRICARE throughout; (2) TRICARE Management Activity (TMA) should be retained with reference to Defense Health Agency (DHA) throughout; (3) Under Section 6, remove last sentence with reference to review of inpatient mental health services in excess of 30 days. Statutory limitations on inpatient

	<p>mental health services and RTC's were removed per the Final Rule.</p>
<p>32 CFR 199.21, Tricare Pharmacy Benefits Program</p> <p>NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. Modify rule by issuing a technical amendment to: (1) revise paragraphs (h)(4) and (i)(2)(ii)(D), regarding Obtaining services under the retail network pharmacy benefits program, and, (2) revise paragraph (i)(2)(v), regarding costs for pharmaceutical agents obtained under the TRICARE mail-order program.</p>
<p>32 CFR 199.22, TRICARE Retiree Dental Program</p> <p>NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. Modify rule to clarify TRICARE Retiree Dental Program as a legacy program, then note its replacement with Federal Employees Dental and Vision Insurance Program and cross reference the OPM regulation for FEDVIP moving forward from its implementation date. Various edits to revise requirements that may conflict with OPM regulation.</p>
<p>32 CFR 220, Collection from Third Party Payers of Reasonable Charges for Healthcare Services</p>	<p>Outdated, unnecessary or ineffective. This part requires amendment to update the reasonable charges methodologies for inpatient and ambulatory institutional billing to allow for use of Itemized Resource Utilization based rates developed from the cost to provide inpatient and ambulatory institutional healthcare resources in addition to the current bundled prospective reimbursement approaches of diagnostic related group, ambulatory payment classification, ambulatory surgery center and ambulatory procedure visit based rates. Modification is also necessary to revise the reasonable charges methodology for pharmaceuticals, DME, supplies, immunizations, injections or medication administered to allow for their calculation using either Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) prevailing rates or IRU based rates developed from the cost to provide these healthcare items and resources, regardless of whether CHAMPUS prevailing rates are available.</p>

<p>32 CFR 245, Plan for the Emergency Security Control of Air Traffic (ESCAT)</p>	<p>Outdated, unnecessary or ineffective. Modify regulation to include language removed in the 2006 update. Specifically, under the current version of the rule, the ESCAT plan can be implemented through DoD directive once there is a declared Air Defense Emergency (ADE). The prior version of the rule permitted the DoD to direct ESCAT upon the occurrence of an emergency, that did not rise to the level of an ADE, but where, "the interests of hemispheric and national security require[d] identification and control of all aircraft."</p>
<p>32 CFR 247, DoD Newspapers, Magazines and Civilian Enterprise Publications</p>	<p>Outdated, unnecessary or ineffective. Modifying the rule will include removing the vast majority of content pertaining to internal policies, procedures, and responsibilities corresponding with the management of DoD newspapers, magazines, and CE publications, as well as the portions that address the internal process of appointing a Source Selection Advisory Committee since this process places no burden on the public. The modified rule will retain material pertaining to the contracting procedures for publication and printing contracts.</p>
<p>32 CFR 259 , Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs</p>	<p>Outdated, unnecessary or ineffective. This regulation implements in a uniform manner the Federal responsibility for providing relocation assistance to persons displaced by Federally funded property acquisitions. Incorporation of 49 CFR Part 24 as part of DoD programs is essential, but the language in 33 CFR Part 259 should be strengthened to indicate the mandatory nature of this regulation.</p>
<p>33 CFR 208, Flood Control Regulations</p>	<p>Outdated, unnecessary or ineffective. This regulation is composed of 13 sections that were combined under a single regulation. The scopes of the regulatory guidance contained in each of the subsections are independent in nature and content. 33 CFR 208.10 should be deleted, as it is superseded by Corps regulations issued under 33 U.S.C. 408; 33 CFR 208.11</p>

	(along with 33 CFR 222.5) should be replaced with the content of ER 1110-2-240. The remaining reservoir-specific water control regulations are necessary but should be updated due to the lapse of time from their initial promulgation.
33 CFR 230, Procedures for Implementing National Environmental Policy Act (NEPA)	Outdated, unnecessary or ineffective. Certain components of this rule need to be updated and supplemented. Updates would include the addition of actions that can be considered as categorical exclusions. In addition, the Corps' NEPA regulation at 33 CFR 230.6 through 230.13 should be amended at appropriate places to state that an environmental impact assessment (as opposed to an environmental assessment) is only required if the proposed major Federal action will cause significant adverse effects on the human environment, after taking into account all mitigation measures that have been incorporated into the proposed action; that significant beneficial effects by themselves never trigger the need for an environmental impact assessment; and to embrace the "mitigated Finding of No Significant Impact" concept.
33 CFR 320, General Regulatory Policies	Outdated, unnecessary or ineffective. Modify regulation to Add a paragraph in the "related laws" section to address the requirement for the Corps to consult with NOAA on proposed activities that may adversely affect essential fish habitat. Also, Remove the last sentence from footnote 1 because the guidance on implementing the mitigation requirements of the 404(b)(1) Guidelines was issued in 1990 and was partially superseded by the promulgation of 33 CFR Part 332.
33 CFR 326, Enforcement	Outdated, unnecessary or ineffective. In accordance with current law, the Corps will continue to make the annual adjustments to the Class I administrative penalty amounts to account for inflation. These adjustments will be made in accordance with the Federal Civil Penalties

	Inflation Adjustment Act Improvements Act of 2015 and OMB guidance.
48 CFR 252.203-7004, Display of Hotline Posters	Outdated, unnecessary or ineffective. This clause is used in lieu of the FAR clause and requires the display of Hotline posters for applicable contracts being performed overseas, as well as within the U.S. This additional overseas coverage ensures that more employees of DoD contractors are aware of their labor rights and that they have a means of reporting suspected labor violations directly to the DoD Inspector General's office. This clause should be updated to reflect the current link to the DoD Hotline posters.
48 CFR 252.225-7021, Trade Agreements	Outdated, unnecessary or ineffective. This clause is used, in lieu of the FAR clause 52.225-5, to support DoD's reciprocal agreements with qualifying countries, which are not provided for in the FAR. This clause ensures that contractors are aware of and comply with the World Trade Organization Government Procurement Agreement, as well as any applicable reciprocal defense procurement agreements. The citation in paragraph (e) of the clause needs to be updated to direct the reader to the proper definition in the clause.
48 CFR 252.227-7001, Release of Past Infringement	Outdated, unnecessary or ineffective. Modify clause to use gender neutral pronouns (i.e., replace "he" with "it" and "him" with "contractor") to conform with current drafting conventions. When negotiating licenses to settle infringement claims, the resultant agreement should contain this release of past infringement language to be successful. This clause makes clear to both parties, prior to entering the agreement, the terms being agreed to in relation to past infringements.

<p>48 CFR 252.227-7002, Readjustment of Payments</p>	<p>Outdated, unnecessary or ineffective. Modify the last sentence in para (a) to require the Contractor to notify the "Contracting Officer" instead of "the Secretary" to reflect current practice. This clause makes clear to both parties, prior to entering the agreement, the terms being agreed to in relation to the payment of royalties and reserves DoD's right to benefit from more favorable royalty terms, when appropriate and available.</p>
<p>48 CFR 252.227-7009, Reporting and Payment of Royalties</p>	<p>Outdated, unnecessary or ineffective. Replace "procuring office" in paragraph (a) with "Contracting Officer" to reflect current practice. Commonly, when a Department or Agency is paying patent royalties to a contractor, a single office of the Department or Agency is responsible for obtaining, from all of its procuring offices, the information necessary to make reports and payments to the contractor. This clause implements a single, standardized DoD approach to gathering, reporting, and paying royalties on license agreements.</p>
<p>48 CFR 252.232-7000, Advance Payment Pool PREVIOUSLY REVIEWED. REDUCE RETAIN TOTAL.</p>	<p>Outdated, unnecessary or ineffective. Incorporate the text of 252.232-7001, Disposition of Payments, into this clause. DFARS clause 252.232-7001 clarifies where payments will be made when different from the disbursing office listed in the Advance Payment Pool Agreement. The text of 252.232-7001 is used in conjunction with -252.232-7000 and, as such, these terms should be located together for ease of the contractor. This clause is still in use, when applicable, and provides standardized language to incorporate the processes and procedures of the Authorization for Advanced Payment and the Advanced Payment Pool Agreement, which are separately developed documents, into the terms and conditions of the contract.</p>
<p>48 CFR 252.237-7018, Special Definitions of Government Property</p>	<p>Outdated, unnecessary or ineffective. This clause implements a DoD-wide, standardized approach to laundry service</p>

	<p>requirements in an effort to simplify the acquisition of these services and protects DoD's interests by clarifying that the liabilities, and other responsibilities, usually conveyed with Government-furnished property, do not apply to articles under the contract. This clause should be updated to reference the current terminology and contract clauses used for government property. This clause is specific to DoD laundry services and no other clause is available for use that can duplicate this information.</p>
<p>48 CFR 252.239-7000, Protection Against Compromising Emanations</p>	<p>Outdated, unnecessary or ineffective. Modify paragraph (a) of the clause that requires accreditation with the National Security Agency National TEMPEST Standards (NACSEM No. 5100 or NACSEM No. 5100A, Compromising Emanations Laboratory Test Standard, Electromagnetics (U)). This reference needs to be updated. This clause ensures that DoD and the contractor comply with national security policy and helps DoD mitigate risk by implementing a minimum, no-cost warranty on these items.</p>
<p>48 CFR 252.249-7002, Notification of Anticipated Contract Termination or Reduction</p>	<p>Outdated, unnecessary or ineffective. Modify clause to update a reference. The Job Training Partnership Act was replaced by the Workforce Investment Act of 1998 (29 USC 2801 et seq.), which was repealed and replaced by the Workforce Innovation and Opportunity Act (29 USC Chapter 32). The clause needs to be updated to reflect the current Act under which benefits and notifications apply. This clause is necessary to ensure DoD and the contractor comply with applicable laws and that employees of DoD contractors and subcontractors are aware of the benefits available to them in the event of a reduction in funding.</p>
<p>TOTAL RULES FOR AMENDMENT: 17</p>	

RECOMMENDATION: RETAIN (NO CHANGES)	
CFR PART AND TITLE	RATIONALE
<p>32 CFR Part 66, Qualification Standards For Enlistment, Appointment, and Induction</p> <p>NOTE: In December 2017, the RRTF approved a modify recommendation to add Army-specific enlistment standards contained in 32 CFR 571, "Recruiting and Enlistments," as a subpart of this rule. During the review of this rule and part 571, Army subject matter experts and General Counsel determined that part 66 provides a more detailed overview of enlistments, incentives, and waivers than what existed in part 571 for Army. Part 66 appropriately addresses all Services, and does not require modification.</p> <p>MODIFY TOTAL REDUCED</p>	<p>Since the inception of the All-volunteer Force (AVF), the Department has set the minimal standards individuals must meet to qualify for military service. This rule articulates the current criteria and was most recently updated March 27, 2015. The rule establishes standards which are designed to ensure that individuals under consideration for enlistment, appointment, or induction are able to successfully perform military duties, and to select those who are the most trainable and adaptable to Service life. The rule applies to all of the Services.</p>
<p>32 CFR 199.2, Definitions</p>	<p>This section is essential to understanding all other sections of Part 199 of Title 32, Code of Federal Regulations.</p>
<p>32 CFR 199.9, Administrative Remedies for Fraud Abuse and Conflicts of Interest</p> <p>NOT COUNTED IN TOTAL</p>	<p>This section sets forth provisions for invoking administrative remedies under CHAMPUS in situations involving fraud, abuse, or conflict of interest.</p>
<p>32 CFR 199.12, Third Party Recoveries</p> <p>NOT COUNTED IN TOTAL</p>	<p>This section deals with the right of the United States to recover from third-parties the costs of medical care furnished to or paid on behalf of TRICARE beneficiaries. These third-parties may be individuals or entities that are liable for tort damages to the injured TRICARE beneficiary or a liability insurance carrier covering the individual or entity.</p>
<p>32 CFR 199.24, TRICARE Reserve Select</p>	<p>This section establishes the premium-based TRICARE Reserve Select health plan available for purchase by qualified members of the Selected Reserve and their survivors. Revisions to part 199.24 were included in the Interim Final Rule that was published on September 29, 2017. A final rule is in coordination.</p>

<p>32 CFR 199.25, TRICARE Retired Reserve</p> <p>NOT COUNTED IN TOTAL</p>	<p>This section establishes the premium-based TRICARE Retired health plan available for purchase by qualified members of the Retired Reserve and their survivors.</p>
<p>32 CFR 219, Federal Policy for the Protection of Human Subjects (Common Rule)</p>	<p>To not retain the Rule would signal globally that DoD research involving human subjects no longer had an ethical construct within which to operate. To not retain the Rule would also place significant strain on DoD's ability to collaborate with international, federal and other research partners, as well as reducing the connotation of DoD human subject research to generally unethical and unreliable.</p>
<p>32 CFR 274, Regulations Governing Competitive Bidding On U.S. Government Guaranteed Military Export Loan Agreements</p>	<p>The Defense Security Cooperation Agency is examining how this rule may be used to support export financing, in relation to the Conventional Arms Transfer Policy and Security Cooperation Reform initiatives. Although the DELG Program and this regulation may not be in use at this time, eliminating this regulation could impact DoD's ability to take advantage of this program in the future. This regulation may support future DSCA export financing options, which are currently under review. We would recommend deferring the repeal of this regulation.</p>
<p>33 CFR 335, Operation and Maintenance of Army Corps of Engineers Civil Works Projects Involving the Discharge of Dredged or Fill Material into Waters of the U.S. or Ocean Waters</p>	<p>This rule is necessary to implement the USACE dredged material program. It is necessary for Corps decisions and actions, and to ensure public awareness of the effects of agency impacts on the human environment.</p>
<p>33 CFR 336, Factors to be Considered in the Evaluation of Army Corps of Engineers Dredging Projects Involving the Discharge of Dredged Material into Waters of the U.S. And Ocean Waters</p>	<p>This rule is necessary to implement the USACE dredged material program. It is necessary for Corps decisions and actions, and to ensure public awareness of the effects of agency impacts on the human environment.</p>

<p>33 CFR 338, Other Corps Activities Involving the Discharge of Dredged Material or Fill into Waters of the U.S.</p>	<p>This rule is necessary to implement the USACE dredged material program. It is necessary for Corps decisions and actions, and to ensure public awareness of the effects of agency impacts on the human environment.</p>
<p>33 CFR 385, Programmatic Regulations for the Comprehensive Everglades Restoration Plan</p>	<p>The Final Regulations govern cost-effective Comprehensive Everglades Restoration Plan execution, are required by statute, are current, and are in regular use. Issued in 2003 only after lengthy technical and substantive consultation with public, U.S. EPA, and Indian Tribes, and only after receiving formal concurrence by Florida Governor Bush and Department of Interior Secretary Norton as required by statute. Any modification would require equivalent consultations and concurrences with OMB review, and coordination with statutory South Florida Ecosystem Restoration Task Force.</p>
<p>36 CFR 331, Regulations Governing the Protection, Use, and Management of the Falls of the Ohio National Wildlife Conservation Area, Kentucky, and Indiana</p>	<p>This rule protects highly significant and varied wildlife and supports important aquatic nurseries and a 300 million year old fossilized coral reef. Preservation of this area ensures the well-being of critical wildlife species, provides opportunity for scientific research and wildlife-oriented recreation.</p>
<p>38 CFR 17.2000, Medical: Vet Center Services (Joint DoD/VA Rule)</p>	<p>DOD and VA issued a joint rule to add section 2000 to part 17. It authorized Vet Centers to provide readjustment counseling to certain veterans, their families, and certain members of the Armed Forces in accordance with NDAA 2013 requirements.</p>
<p>48 CFR 252.203-7002, Requirement to Inform Employees of Whistleblower Rights</p>	<p>10 U.S.C. 2409 implements standalone whistleblower rights and protections that are unique and specific to DoD. As such, the clause ensures that contractors, and their employees and subcontractors, are aware of the proper whistleblower laws that apply under the contract.</p>

48 CFR 252.204-7000, Disclosure of Information	This clause is incorporated into contracts when it is determined that the contractor's free release or disclosure of unclassified information under the contract presents a risk to DoD and further measures are necessary to manage and control such disclosure of information.
48 CFR 252.204-7003, Control of Government Personnel Work Product	This clause notifies contractors of the prohibition in section 808 of the NDAA for FY 1992 and ensures that DoD and contractors comply with the requirements of the law. Section 808 requires DoD employees overseeing a DoD acquisition program to retain control of their work product.
48 CFR 252.204-7014, Limitations on the Use or Disclosure of Information by Litigation Support Offerors	This clause provides DoD-wide standardized language that implements the authorities and conditions granted in section 802 of NDAA for FY 2012, which authorizes DoD to provide litigation support contractors with certain types of non-public information as long as the contractor provides DoD with certain agreements and acknowledgements.
48 CFR 252.216-7002, Alternate A, Time-and-Materials/Labor-Hour Proposal-Non-Commercial Item Acquisition with Adequate Price Competition	This provision supplements a FAR requirement by implementing DoD policy for reimbursing labor costs on competitively awarded non-commercial time-and-materials and labor hour contracts. The FAR permits Agencies to use separate fixed hourly rates or blended rates for each proposed labor category. Based on the complexity and high dollar value of DoD's requirements, it is in the best interests of the Department to require separate fixed hourly rates in order to manage risk and costs on these types of contracts.
48 CFR 252.217-7002, Offering Property for Exchange	This provision implements a DoD-wide approach to communicating essential information in a clear and consistent manner to offerors when utilizing the authority of 40 U.S.C. 503 which permits exchange of personal property and application of the exchange allowance to the acquisition of similar property.

48 CFR 252.217-7003, Changes	By its nature, ship repair work can be complex. As such, some aspects of the work may not be readily ascertainable at the time of job order award. In such situations, this clause, unlike existing FAR change clauses, provides DoD will the authority to make timely changes within the general scope of a job order to ensure continued performance of the work and maintain agreeable deadlines.
48 CFR 252.217-7004, Job Orders and Compensation	This clause implements a DoD-wide standardized process for soliciting and issuing orders amongst all master agreement holders for ship repair and maintenance, as well as handling urgent service needs. As a result, this clause provides consistency and harmony in the acquisition of such services across DoD and the contractor community and supports fleet readiness.
48 CFR 252.217-7005, Inspection and Manner of Doing Work	This clause implements a standardized set of safety, qualification, and inspection requirements for ship repair and maintenance that every agreement holder adheres to while performing work under an order
48 CFR 252.217-7006, Title	The time in which title is conveyed to the Government can vary with the circumstances of the contract. This clause standardizes, and serves as a mutual agreement on, the passage of title for the materials and equipment used under ship repair and maintenance orders, which also facilitates Government liability (and insurance) for the items.
48 CFR 252.217-7007, Payments	This clause implements standardized progress payment terms and procedures that are unique to ship repair and maintenance requirements. As a result, this clause ensures that the rules for progress payments are applied consistently across all master agreement holders and DoD complies with the requirements 10 USC 2307(g).

48 CFR 252.217-7008, Bonds	This clause implements standardized rules and terms associated with bonds for ship repair and maintenance requirements. As a result, this clause ensures the rules are applied consistently across all master agreement holders and that DoD minimizes its cost risk when considering or requiring bonds on these requirements.
48 CFR 252.217-7009, Default	This clause provides standardized default terms, conditions, and procedures that are specific to ship repair and maintenance requirements. As a result, this clause ensures the consistent application of any terminations for default across all master agreement holders, and that DoD retains certain rights that help facilitate completion of the work, in the event that a termination for default is necessary.
48 CFR 252.217-7010, Performance	This clause provides standardized terms and conditions specific to beginning, performing, and delivering ship repair or maintenance requirements. As a result, this clause ensures that certain performance standards are consistently applied across all master agreement holders and performance risk for both the contractor and the Government is reduced by addressing these performance-related issues in advance of an award.
48 CFR 252.217-7011, Access to Vessel	This clause implements a standardized requirement and process for requesting and granting access to vessels and facilities that are applied consistently across all master agreement holders and unique to ship repair and maintenance requirements. As a result, this clause ensures that DoD has the oversight and accessibility it needs, while protecting the contractor's privacy and schedule.
48 CFR 252.217-7012, Liability and Insurance	This clause provides standardized terms, conditions, and procedures that are specific to DoD's liability and insurance needs under ship repair or maintenance requirements. As a result, this clause ensures that proper insurance coverages, as well as pertinent terms and procedures,

	are implemented consistently across all master agreements and DoD maintains an acceptable level of cost and risk associated with the loss or damage of vessels, materials, and equipment covered under the order.
48 CFR 252.217-7013, Guarantees	This clause implements a minimum guarantee/warranty on contractor work and materials performed or provided under ship repair or maintenance requirements, and clearly sets forth each party's obligations and rights in the event of an identified defect or deficiency. As a result, this clause ensures that these terms and procedures are implemented consistently across all master agreements and lowers DoD's cost and performance risk by ensuring a minimum timeframe in which repairs and corrections (in response to a defect or deficiency) can be made at no additional cost to the Government.
48 CFR 252.217-7014, Discharge of Liens	This clause implements necessary and standard terms to provide immediate resolution of any contractor lien that affects work or materials being provided under a master agreement. As a result, this clause ensures that these terms are implemented consistently across all master agreements and protects DoD's interests and property in such events.
48 CFR 252.217-7015, Safety and Health	This clause ensures that: (1) Contractors are aware of their obligations associated with safety and health statutes and regulations when pricing and performing under orders; (2) This requirement is implemented consistently across all master agreements; and, (3) The health and safety risks to personnel and/or property is minimized under DoD orders for ship repair and maintenance requirements.
48 CFR 252.217-7016, Plant Protection	This clause implements DoD standardized terms and conditions for providing adequate physical security under a master agreement. As a result, this clause ensures that these terms are implemented

	consistently across all master agreements and reasonable protection of DoD's interests and property when a contractor is performing under an order for ship repair and/or maintenance.
48 CFR 252.222-7002, Compliance with Local Labor Laws (Overseas)	This clause informs contractors of their obligation to comply with all host country labor laws and protects DoD by indemnifying the U.S. against claims resulting from any alleged or actual acts of non-compliance by the contractor. Note: Previously reviewed by DoD Task Force in May 2018.
48 CFR 252.223-7007, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives NOTE: This clause was recommended for repeal on 01/25/18. Upon review of additional information, the DFARS Subgroup further discussed this clause and recommend its retention. REPEAL TOTAL REDUCED	DoD Instruction 5100.76, Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives, requires DoD A&S to establish that a contractor in possession of arms, ammunition, and explosives must allow Defense Security Service and other Government representatives access to its facilities and records for inspections/ investigations necessary to review compliance with contracts that contain requirements to protect arms, ammunition, and explosives. This clause is the method in which A&S fulfills its responsibility under DoD Instruction 5100.76.
48 CFR 252.225-7002, Qualifying Country Sources as Subcontractors	This clause helps to ensure contractor compliance with the Buy American statute, the Balance of Payments Program, DoD's reciprocal defense procurement MOUs, and international agreements when subcontracting under DoD contracts.
48 CFR 252.225-7005, Identification of Expenditures in the United States	OMB Statistical Directive 19: "Reports of the Department of Commerce on International Transactions" requires all agencies to regularly report foreign expenditures, receipts, assets, and liabilities that meet specified criteria/ thresholds to the Department of Commerce and the Department of the Treasury. The information provided by contractors, in accordance with this clause, assists DoD in properly recording contract expenditures, in accordance with

	OMB and DoD guidance. The contractor is the only source from which this information can accurately be obtained.
48 CFR 252.225-7027, Restriction on Contingent Fees for Foreign Military Sales	Under the authority provided by 10 U.S.C. 2762, DoD regularly enters into Foreign Military Sales (FMS) contracts with foreign countries or international organizations. The clause is unique to DoD, provides a standardized method for implementing and communicating the limitations on contingent fees to a contractor providing FMS supplies or services; and facilitates DoD compliance with the Security Assistance Management Manual and its FMS agreements with foreign governments.
48 CFR 252.225-7030, Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate	This clause ensures DoD and contractor compliance with the restriction on carbon, alloy, and armor steel plates, which retains critical domestic capabilities that are required to meet national defense needs in the event of an emergency.
48 CFR 252.225-7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism	The provision implements and ensures DoD compliance with the requirements of 10 U.S.C. 2327 by serving as the offeror's disclosure that it is not subject to such ownership or control, unless otherwise disclosed by the offeror. This provision is unique to DoD, as a result of statute, and no other provision or clause is available that can meet the requirements of 10 U.S.C. 2327.
48 CFR 252.227-7000, Non-Estoppel	This clause retains the DoD's rights to challenge the validity of a patent at any time. The clause prevents future disagreement as it makes clear to both parties, prior to entering the agreement, that: The Government may choose to challenge a patent being licensed under the agreement; and, if challenged, the Government expects the agreement to remain in effect, without any impact to rights being granted under the agreement/contract.

48 CFR 252.227-7003, Termination	This clause clearly establishes the Government's right to terminate a licensing agreement (for any reason) under a contract, and helps prevent future disagreement by providing the terms and conditions for notification and payment in the event of a cancellation.
48 CFR 252.227-7004, License Grant	This clause clearly establishes the rights being granted to the Government under the contract, and helps prevent future disagreement by identifying the impact the agreement has on prior contracts and other contractor patents.
48 CFR 252.227-7005, License Term	This clause prevents disagreement by clearly establishing the term of the license being granted to the Government under the contract.
48 CFR 252.227-7006, License Grant – Running Royalty	This clause provides clarity for both parties and helps to ensure that practice of the invention and the obligation to pay royalties is limited specifically to the Department(s) that entered into the contract.
48 CFR 252.227-7007, License Term – Running Royalty	This clause clarifies the term of the license for both parties and ensures that licenses are granted, and paid for, as agreed to under the contract.
48 CFR 252.227-7008, Computation of Royalties	This clause represents a DoD-wide, standardized approach to communicating the basis upon which royalties are calculated on applicable contracts that involve patent release and settlement agreements and license agreements.
48 CFR 252.227-7010, License to Other Government Agencies	This clause implements a single, standardized DoD approach to allowing other Government agencies access to DoD's already negotiated licenses, which promotes efficiencies and cost savings at a broader level.
48 CFR 252.227-7011, Assignment	In some circumstances, a contractor may be required to assign title of a patent to the Government (e.g., to protect foreign intelligence and counterintelligence activities, or when the contractor is subject to the control of a foreign Government). This clause implements

	<p>consistent and standardized language that can be incorporated in DoD contracts when such an assignment is necessary, as well as identifies the custodian (which Department or Agency) of the patent for the entire DoD.</p>
48 CFR 252.227-7012, Patent and Release Contract	<p>This clause implements consistent and standardized language to be incorporated in DoD contracts that serve as a patent release, license agreement, or assignment, and ensures that all pertinent information is included in these arrangements in a clear manner.</p>
48 CFR 252.227-7038, Patent Rights—Ownership by the Contractor (Large Business)	<p>This clause implements a DoD-wide standardized approach to: (1) Ensure compliance with requisite patents laws, while still retaining the ability to retain title or revoke licensing, when necessary; and, (2) Communicate DoD policies and procedures related to patent rights.</p>
48 CFR 252.227-7039, Patents—Reporting of Subject Inventions	<p>This clause implements and communicates DoD-wide standardized reporting requirements for subject inventions under DoD contracts for experimental, developmental, or research work, as permitted by 37 CFR 401. As these requirements are to be implemented at the agency level, there is no FAR coverage that can provide this requisite guidance to contractors.</p>
48 CFR 252.228-7000, Reimbursement for War-Hazard Losses	<p>When the cost of the insurance premium is not permitted in such contracts, DFARS 252.228-7000 works in conjunction with FAR clause 52.228-4, to provide contractors with pertinent and standardized information on terms, conditions, and procedures for receiving reimbursement through DoD for any liability the contractor may incur in complying with the FAR clause. This DFARS clause is still relevant to DoD activities and implements a standardized approach to war-hazard reimbursements across DoD.</p>

48 CFR 252.235-7003, Frequency Authorization	This clause allows DoD to efficiently track radio frequencies on electronic equipment under R&D contracts to avoid multiple user interference and, as a result, loss of functionality and productivity during development and testing of equipment. While NASA also has a frequency authorization clause, it does not meet DoD's needs and neither the DFARS clause nor the NASA clause could be modified to accomplish the goal of each agency under their respective clauses.
48 CFR 252.237-7003, Requirements	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7004, Area of Performance	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7005, Performance and Delivery	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7006, Subcontracting	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no

	other clause is available for use that can duplicate this information.
48 CFR 252.237-7007, Termination for Default	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7008, Group Interment	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7009, Permits	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7011, Preparation History	This clause: (1) Ensures all of DoD's mortuary service contractors receive essential service-related terms in a clear and consistent manner, and (2) Ensures DoD can expect to receive a standardized level of service DoD-wide. This clause is specific to DoD mortuary services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7012, Instruction to Offerors (Count-of-Articles)	This provision implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services. This provision is specific to DoD laundry services and no other clause is available for use that can duplicate this information.

48 CFR 252.237-7013, Instruction to Offerors (Bulk Weight)	This provision implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services. This provision is specific to DoD laundry services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7014, Loss or Damage (Count-of-Articles)	This clause implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services and helps protect the contractor's and DoD's interests in the event of loss or damage to articles. This clause is specific to DoD laundry services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7015, Loss of Damage (Weight of Articles)	This clause implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services and helps protect the contractor's and DoD's interests in the event of loss or damage to articles. This clause is specific to DoD laundry services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7016, Delivery Tickets	This clause implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services and provides DoD with supporting documentation as proof of service. This clause is specific to DoD laundry services and no other clause is available for use that can duplicate this information.
48 CFR 252.237-7017, Individual Laundry	This clause implements a DoD-wide, standardized approach to laundry service requirements in an effort to simplify the acquisition of these services and helps protect the contractor's and DoD's interests in the event of loss or damage to articles. This clause is specific to DoD laundry services and no other clause is available for use that can duplicate this information.

<p>48 CFR 252.237-7023, Continuation of Essential Contractor Services</p> <p>NOTE: On October 12, 2017, this clause was dispositioned for repeal, contingent upon its incorporation into the FAR. DARS presented this recommendation to the civilian agencies in April 2018. In August 2018, the civilian agencies advised that, after some review, it would not be beneficial to implement a clause at the FAR level based on the numerous and diverse ways that the agencies plan for and acquire emergency continuity resources. As such, identifying common practices across all agencies to include in a single clause would result in overly broad and non-impactful clause language.</p> <p>TOTAL REPEAL NUMBER REDUCED</p>	<p>Homeland Security Council's "National Continuity Policy Implementation Plan," dated August 2007, requires the Federal Government to establish and maintain continuity plans in order to ensure the continuing performance of national essential functions under all conditions. The Homeland Security Council guidance requires certain executive branch agencies and departments to have formal plans that include the identification of contracts or agreements in place to acquire emergency continuity resources. As DoD currently contracts for mission-essential services, it is appropriate to maintain this clause for use by DoD to ensure standardized implementation of such requirements DoD-wide.</p>
<p>48 CFR 252.237-7024, Notice of Continuation of Essential Contractor Services</p> <p>NOTE: On October 12, 2017, this provision was dispositioned for repeal, contingent upon its incorporation into the FAR. DARS presented this recommendation to the civilian agencies in April 2018. In August 2018, the civilian agencies advised that, after some review, it would not be beneficial to implement a provision at the FAR level based on the numerous and diverse ways that the agencies plan for and acquire emergency continuity resources. As such, identifying common practices across all agencies to include in a single provision would result in overly broad and non-impactful language.</p> <p>TOTAL REPEAL NUMBER REDUCED</p>	<p>Homeland Security Council's "National Continuity Policy Implementation Plan," dated August 2007, requires the Federal Government to establish and maintain continuity plans in order to ensure the continuing performance of national essential functions under all conditions. The Homeland Security Council guidance requires certain executive branch agencies and departments to have formal plans that include the identification of contracts or agreements in place to acquire emergency continuity resources. As DoD currently contracts for mission-essential services, it is appropriate to maintain this provision for use by DoD to ensure standardized implementation of such requirements DoD-wide.</p>
<p>48 CFR 252.239-7001, Information Assurance Contractor Training and Certification</p>	<p>This clause is essential to support DoD's Information Assurance (IA) framework goals and protect DoD's IA operations and assets when utilizing contractors to perform IA functions on DoD systems. It provides critical information to the contractor in a standardized manner to ensure compliance with DoD policy. Without this clause, there is the opportunity for this information to be omitted from or miscommunicated in the</p>

	contract, which increases risk to DoD's information security controls, systems, and resources.
48 CFR 252.241-7000, Superseding Contract	When a superseding contract is issued, this clause protects DoD's interests by serving as the agreement between both parties that the terms and conditions of the current contract are in place and the terms of the previous contract are no longer applicable. The clause also ensures that proper debts and credits from the prior agreement are transferred to the superseding agreement.
48 CFR 252.241-7001, Government Access	This clause supplements FAR clause 52.241-5, Contractor's Facilities, which grants the contractor title and rights to install, maintain, operate, and repair facilities (as necessary for the contract) to be located upon Government premises, as well as access to the premises at reasonable times to perform the obligations of the contract. This DFARS clause preserves DoD's right to access the contractor's facility, in an emergency or when permitted otherwise by the contractor, in order to maintain base operations.
48 CFR 252.242-7005, Contractor Business Systems	This clause: (1) Helps to ensure DoD and the contractor comply with applicable laws and regulations; and, (2) Provides standardized and consistent information on the administrative procedures for system deficiencies. These procedures are relevant across all contractor business systems. It would be redundant and burdensome to include this information in each of the six business systems clauses (as more than one of these clauses could be required in a contract); therefore, a single clause exists to include in contracts, as needed.
48 CFR 252.243-7002, Requests for Equitable Adjustment	This clause ensures DoD and the contractor comply with 10 U.S.C. 2410(a), which requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold

	are made in good faith and that the supporting data are accurate and complete.
48 CFR 252.244-7000, Subcontracts for Commercial Items	This clause supports the goals of the Federal Acquisition Streamlining Act by clarifying for contractors that contract terms do not need to be flowed down to commercial subcontractors, unless DoD requires it within the text of the clause.
48 CFR 252.246-7001, Warranty of Data	This clause implements the requirements of 10 U.S.C. 2320, as well as a DoD-wide approach to the remedies available in the event of a breach of a warranty provided under the clause. DoD still utilizes this clause to obtain enhanced warranties on noncommercial technical data, when it is found to be necessary, practicable, and cost effective.
48 CFR 252.246-7005, Notice of Warranty Tracking of Serialized Items	This provision helps DoD implement the tracking of warranties of serialized items by providing the contracting officer and requirements office with information that may not have otherwise been readily available through other sources.
48 CFR 252.246-7006, Warranty Tracking of Serialized Items	This clause ensures DoD receives warranty data on serialized items from contractors electronically in a designated repository (i.e., PDREP), which provides DoD-wide visibility and accountability of warranty data associated with acquired goods. This clause also ensures DoD's ability to take full advantage of warranties when they are part of an acquisition.
48 CFR 252.249-7000, Special Termination Costs	The intent of this clause is to allow contractors to use all of the contract funds committed to the contract for the direct benefit of the project concerned and prevent the necessity of the contractor reserving a contingency amount for certain nonproductive costs that would arise as a result of a termination by the Government. This clause communicates policy that helps mitigate cost and performance risks for both the contractor and the DoD.