

**The Department of Defense Regulatory Reform Task Force
Progress Report
(April 1, 2018 through June 30, 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 46 for repeal, 9 for replacement, 15 for modification, and 51 for retention.

One main outcome of DoD's regulatory reform efforts is the removal of outdated regulations, which greatly improves the legitimacy and currency of DoD's codified regulations. Two examples of such recommended repeals from this review period are:

- The regulation governing compensation of certain former operatives incarcerated by the Democratic Republic of Vietnam. All compensation payments were completed by July 2001, and the Vietnam Commandos Compensation Commission was disbanded.
- The regulations for retrospective stop loss special pay compensation. The last day for submission of claims to the Secretaries of the Military Departments for retroactive stop loss special pay was October 21, 2010. Following that date, the Secretaries concerned are not authorized to make payments.

II. Total Reviews

Since the Task Force began its work in April 2017, it has reviewed 450 DoD regulations, including Defense Federal Acquisition Regulation Supplement clauses and provisions. The Task Force is on track to finalize the review of all codified DoD regulations and provide its recommendations to the Secretary by the end of 2018. Implementation of the recommendations will carry on through several years as regulatory actions must follow certain requirements in accordance with law.

To date, DoD has realized \$2,600,000.00 in actual deregulatory cost savings (through the finalization of regulations) and has identified an estimated _____ in proposed deregulatory cost savings for the public. That savings number should continue to grow as the Task Force and 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" set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" For FY 2018, the performance goal of the Department is to reduce its regulations by 25% in order to meaningfully reduce burden to the public, which the Department is on target to meet.

Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – June 30, 2018)	Total Reviewed	Percent Reviewed
Task Force Reviewed Regulations	450 out of 716	63%
Task Force Recommended Deregulatory/Repeal Actions	211 out of 450	47%
Task Force Recommended Modify/Amend Actions	36 out of 450	8%
Task Force Recommended Replace (Consolidate)/Revise Actions	35 out of 450	8%
Task Force Recommended Retain Actions	165 out of 450	37%
Task Force Deferred Actions for Further Data or GC Review	3 out of 450	<1%
Administrative Repeal Actions Issued After 20 January 2017 ¹ (not counted as deregulatory actions for purposes of EO 13771)	43	
Deregulatory Actions Issued After 20 January 2017 ²	1	
Significant Regulatory Actions Issued After 20 January 2017 ³	1	
Deregulatory Actions Issued that included public input/peer review	1	
Total Incremental Cost of New Significant Regulatory Actions	Estimated \$ TBD	
Total Incremental Cost of Deregulatory Actions	Estimated -\$2,600,000.00	
Total Incremental Cost of Proposed Deregulatory Actions ⁴	Estimated	

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

² Many deregulatory/repeal actions recommended 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.

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III. Implementation

DoD Components have already begun to implement the Task Force's approved recommendations. For example, 44 regulations on various topics have been repealed, and the Task Force is tracking the status of each regulation that it has reviewed. As additional recommendations are approved, the Task Force will ensure that the relevant 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.

IV. Conclusion

The Task Force will continue to review DoD regulations in accordance with EO 13777 to support the Department's regulatory reform initiatives to reduce unnecessary regulatory burden on the public. The next Task Force report will include the reviews conducted by the Task Force during the months of July 2018 through September 2018.

**DoD Regulatory Reform Task Force's Fifth Set of Recommendations
(April 1, 2018 through June 30, 2018)**

RECOMMENDATION: REPEAL (REMOVE)	
CFR PART AND TITLE	RATIONALE
32 CFR 48 - Retired Serviceman's Family Protection Plan (RSFPP)	Outdated, unnecessary or ineffective. RSFPP (authorized by 10 U.S.C. Chapter 73, Subchapter I) was terminated as the military retired pay annuity protection plan on September 21, 1972, and replaced by the Survivor Benefit Plan. All elections under RSFPP are complete.
32 CFR 60 - Family Advocacy Command Assistance Team (FACAT)	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 61.
32 CFR 67 - Educational Requirements For Appointment Of Reserve Component Officers To A Grade Above First Lieutenant Or Lieutenant (Junior Grade)	Outdated, unnecessary or ineffective. There is current consideration regarding a legislative change to modify this requirement.
32 CFR 77 - Program To Encourage Public And Community Service (PACS)	Outdated, unnecessary or ineffective. Fiscal Year 2019 NDAA Congressional action to sunset language requiring PACS program and registries.
32 CFR 78 - Voluntary State Tax Withholding From Retired Pay	Outdated, unnecessary or ineffective. Contains only internal procedures that can be covered in DoD FMR, Volume 7B, Chapter 26. Publish a notice in the Federal Register.
32 CFR 85 - Health Promotion	Outdated, unnecessary or ineffective. Content of the rule is internal to the Department. The content regarding smoking is covered by title 41 CFR part 102-74.
32 CFR 94 - Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas	Outdated, unnecessary or ineffective. DHS/USCIS now has purview over naturalization of all persons. The Department has internal policies in place regarding the certification of military service for the purposes of naturalization.
32 CFR 96 - Acquisition And Use Of Criminal History Record Information by The Military Service	Outdated, unnecessary or ineffective. DD Form 369 "Police Records Check," is now used to request local criminal history to accomplish this requirement. The collection of this information is authorized by statute: Title 10 U.S.C. 504, 505 and 12102.

32 CFR 100 - Unsatisfactory Performance of Ready Reserve Obligation	Outdated, unnecessary or ineffective. Content is internal to the Department. Provides actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in Reserve training is unsatisfactory.
32 CFR 101 - Participation in Reserve Training Programs	Outdated, unnecessary or ineffective. Content is internal to the Department. Establishes criteria and training requirements for satisfactory participation by members of the Reserve components of the U.S. Armed Forces
32 CFR 110 - Standard Rates Of Subsistence Allowance and Commutation Instead of Uniforms for Members of the Senior Reserve Officers' Training Corps	Outdated, unnecessary or ineffective. Content is internal to the Department. This policy allows for the issuance of subsistence allowance and commutation instead of uniforms for members of Senior ROTC programs located at eligible colleges and universities where students wear a uniform prescribed by the institution instead of Service specific uniforms.
32 CFR 112 - Indebtedness of Military Personnel	Outdated, unnecessary or ineffective. Content is internal to the Department. The part is closely related to 32 CFR 113, Indebtedness Procedures of Military Personnel, which details the process by which a third party can try to collect valid debts from military members through wage garnishment. 32 CFR 112, unlike 113, assigns responsibility and procedures within Department.
32 CFR 143 - DoD Policy on Organizations that Seek to Represent or Organize Members of The Armed Forces In Negotiations of Collective Bargaining	Outdated, unnecessary or ineffective. This part restates the language of the statute, 10 USC §976. The only additional language in 143.7 and 143.8 address internal DoD procedures and guidelines already contained in DoD Instruction 1354.01.
32 CFR 144 - Service by Members of the Armed Forces on State and Local Juries	Outdated, unnecessary or ineffective. Content is internal to the Department. The procedures include providing notice to the states and localities that a member is exempt from jury duty, but they do not impose any requirement or burden on the public.

<p>32 CFR 199.18 – Uniform HMO Benefit NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. This section was repealed and reserved in an interim final rule titled, TRICARE Select and Other TRICARE Reforms that published on September 29, 2017. The interim final rule also revised 199.17 for the purpose of implementing a comprehensive managed health care program for the delivery and financing of health care services in the Military Health System.</p>
<p>32 CFR 213 - Support for NFEs Authorized to Operate on DoD Installations</p>	<p>Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 212.</p>
<p>32 CFR 226 - Shelter for the Homeless</p>	<p>Outdated, unnecessary or ineffective. Issue a Federal Register notice with procedures contained in §226.4(h) and remove this part.</p>
<p>32 CFR 242a - Public Meeting Procedures of the Board of Regents, Uniformed Services University of the Health Sciences</p>	<p>Outdated, unnecessary or ineffective. This part is redundant and outdated, creating administrative duplication and inefficiencies, since the requirements exist in statute elsewhere. The Board now complies with the Federal Advisory Committee Act (5 USC App), the General Services Administrations' Federal Advisory Committee Management Regulation (Final Rule, 41 CFR Part 102-3), 10 USC 2113a, and 5 USC 552b.</p>
<p>32 CFR 242b - General Procedures and Delegations of the Board of Regents of the Uniformed Services University Health Sciences</p>	<p>Outdated, unnecessary or ineffective. This part is redundant and outdated, creating administrative duplication and inefficiencies, since the requirements exist in statute elsewhere. The Board now complies with the Federal Advisory Committee Act (5 USC App), the General Services Administrations' Federal Advisory Committee Management Regulation (Final Rule, 41 CFR Part 102-3), 10 USC 2113a, and 5 USC 552b.</p>

32 CFR 268 - Collecting and Reporting of Foreign Indebtedness Within the Department Of Defense	Outdated, unnecessary or ineffective. Content is internal to the Department. Incorporate content into DoD 7000.14-R, Volume 16, Chapter 6, "Debt Owed to the DoD By Foreign Entities". Note: USD(C) will publish a notice document in the Federal Register.
32 CFR 270 - Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam	Outdated, unnecessary or ineffective. All payments were completed by July 2001 and the Vietnam Commandos Compensation Commission was disbanded.
32 CFR 279 - Retroactive Stop Loss Special Pay Compensation	Outdated, unnecessary or ineffective. The last day for submission of claims to the Secretaries of the Military Departments for Retroactive Stop Loss Special Pay was October 21, 2010. Following that date, the Secretaries concerned are not authorized to make payments.
32 CFR 625 - Surface Transportation—Administrative Vehicle Management	Outdated, unnecessary or ineffective. Repeal of 32 CFR 625 will bring USACE into compliance with DoD Manual 4500.36 "Acquisition, management, and Use of DoD Non-Tactical Vehicles" and AR 58-1 "Management, Acquisition, and Use of Motor Vehicles," which do not allow for the transportation of dependents in non-tactical vehicles provided for DoD personnel when on Temporary Duty.
32 CFR 735 - Reporting Births and Deaths in Cooperation with other Agencies	Outdated, unnecessary or ineffective. This part worked in conjunction with 32 CFR part 138 and filled a gap created by the repeal of 32 CFR part 138; however, this part is incomplete by itself. Repeal this part after DoD internal policy and procedures are published to avoid the creation of an additional policy gap. Currently, 32 CFR part 735 is the only regulation remaining that provides the foundation for the Military Services to report and register births, deaths, and other vital statistics.
32 CFR 811 - Release, Dissemination, and Sale of Visual Information Materials	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject.

32 CFR 813 - Visual Information Documentation Program	Outdated, unnecessary or ineffective. Contains only internal procedures covered by Air Force Instructions.
32 CFR 845 - Counsel Fees and Other Expenses in Foreign Tribunals	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 151. NOTE: Previously deferred for further review.
32 CFR 881 - Determination Of Active Military Service And Discharge For Civilian Or Contractual Groups	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Incorporate this part into 32 CFR part 47.
33 CFR 210 – Procurement Activities of the Corps of Engineers	Outdated, unnecessary or ineffective. Sections 210.1, 210.2 and 210.3 are duplicative because the FAR Subparts 5, 11, 14 and 15 provide procedures for advance notice, notice of award, commencement, and completion of work. Sections 210.4 and 210.5 are no longer applicable. The Engineer Board was absorbed by the Armed Services Board of Contract Appeals (ASBCA) in July 2000. Unresolved cases formally before the Engineer Board would now use the ASBCA rules.
33 CFR 214 – Emergency Supplies of Drinking Water	Outdated, unnecessary or ineffective. Most of this part is duplicative of 32 CFR part 203, specifically section 203.61. Where this part is not duplicative, the 1974 part is misleading, as its provisions have been superseded by those in 33 CFR part 203.
33 CFR 239 – Federal Participation in Covered Flood Control Channels	Outdated, unnecessary or ineffective. This part is outdated in the reference to the engineering criteria and requirements; redundant in the reference to Federal participation in flood projects as defined under ER 1165-2-21 and 33 CFR 238; and only applies to USACE design criteria for USACE projects.
48 CFR 5108 - Required Sources of Supplies and Services	Outdated, unnecessary or ineffective. Remove clause at 5152.208-9001. FAR subpart 11.6 implements Defense Priorities and Allocation System (DPAS). The provision at FAR 52.211-14 and the clause at FAR 52.211-15 inform offerors and contractors of the requirement of DPAS.

48 CFR 5119 - Small Business Competitive Demonstration Program	Outdated, unnecessary or ineffective. Public Law expired and DFARS provisions and clauses removed. The clauses at FAR 52.219-6 and 52.219-9 are used to ensure maximum small business participation at the prime and subcontractor levels.
48 CFR 5145 - Government Property	Outdated, unnecessary or ineffective. Remove clauses at 5152.245-9000 and 5152.245-9001. Standard government clauses in the FAR and DFARS have been developed and are actively in use as follows: FAR 52.245-1; DFARS 252.245-7001; DFARS 252.245-7002; DFARS 252.245-7003; and DFARS 252.245-7004.
48 CFR 5152 - Solicitations Provisions and Contract Clauses	Outdated, unnecessary or ineffective. Standard government clauses in the FAR and DFARS have been developed and are actively in use.
48 CFR 5215 - Contracting by Negotiation	Outdated, unnecessary or ineffective. Repeal Title 48, Section 5215 in its entirety. Content has been subsumed into Part 15 of the FAR and DFARS. Clause referred to in 5215.407 has been subsumed into the instructions at FAR 15.403-5.
48 CFR 5242 - Contract Administration	Outdated, unnecessary or ineffective. Repeal Title 48, Section 5242 in its entirety. This is duplicative as there is presently Department-wide policy on "voluntary refunds" for spares and for other items at DFARS 242.7100 and PGI 242.7100. There is also extensive guidance related to the acquisition of spare parts in DFARS 217.7500 and PGI 217.7503.
48 CFR 5252 - Solicitation Provisions and Contract Clauses	Outdated, unnecessary or ineffective. Repeal Title 48, Section 5252 in its entirety. The provision at 5252.215-9000 is duplicative as it has been subsumed into the instructions at FAR 15.403-5. The clause at 5252.242-9000 is duplicative as there is presently Department-wide policy on "voluntary refunds" for spares and for other items at DFARS 242.7100 and PGI 242.7100.

48 CFR 252.229-7000 - Invoices Exclusive of Taxes or Duties	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.229-7001, Tax Relief.
48 CFR 252.232-7009 - Mandatory Payment by Government-wide Commercial Purchase Card	Outdated, unnecessary or ineffective. Use of the Government-wide Commercial Purchase Card as an acquisition tool for both purchasing and contract payments is a commonly accepted practice. Thus, the original purpose of the clause has been achieved.
48 CFR 252.239-7005 - Rates, Charges, and Services	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.239-7004, Orders for Facilities and Services.
48 CFR 252.239-7008 - Reuse Arrangements	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.239-7007, Cancellation or Termination of Orders.
48 CFR 252.239-7014 - Term of Agreement	Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Combine this clause with DFARS 252.239-7013 and -7015. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses.

<p>48 CFR 252.239-7015 - Continuation of Communication Service Authorizations</p>	<p>Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Combine this clause with DFARS 252.239-7013 and -7014. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses.</p>
<p>48 CFR 252.247-7001 - Price Adjustment</p>	<p>Outdated, unnecessary or ineffective. This clause applies to stevedoring services and sealed bidding procedures. Historically, sealed bidding procedures have not been used to procure stevedoring services, and this clause is not currently used in USTRANSCOM contracts. Moreover, this clause outlines procedures for adjusting wage rates which are already covered in FAR 52.222-41 when services are performed in the U.S.</p>
<p>48 CFR 252.247-7003 - Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer</p>	<p>Outdated, unnecessary or ineffective. Business arrangements between a prime contractor and a subcontractor in a commercial environment are negotiated between those two parties and reflect the terms and conditions those parties are willing to accept. As such, this commercial practice should be acknowledged and left to the parties negotiating the commercial contract.</p>
<p>48 CFR 252.247-7020 - Additional Services</p>	<p>Outdated, unnecessary or ineffective. This clause is no longer necessary, as coordination with multi-functional teams and proactive communication with customers has allowed DoD to define what additional services entails and include the requirement in the performance work statement and resultant contract's line item structure.</p>
<p>TOTAL RULES FOR REPEAL: 46</p>	

RECOMMENDATION: REPLACE (REVISE)	
CFR PART AND TITLE	RATIONALE
32 CFR 47 - Active Duty Service For Civilian or Contractual Groups	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate 32 CFR part 881 and other administrative updates into the part.
32 CFR 50 - Personal Commercial Solicitation on DoD Installations	Outdated, unnecessary or ineffective. The revision of this regulations will include content clarifications where needed concerning the sale of insurance and securities products on DoD installations, as well as reporting persons who have been barred from selling insurance or securities on DoD installations.
32 CFR 88 - Transition Assistance For Military Personnel	Outdated, unnecessary or ineffective. The revision of this regulation will remove all language in the rule that is internal to DoD. The rule to replace the current rule will only address requirements that place a burden on the public and external parties to the DoD such as spouses, employers, Veterans Servicer Organizations and Military Service Organizations.
32 CFR 151 - Status of Forces Policies and Information	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate 32 CFR part 845 and other administrative updates into the part.
32 CFR 212 - Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense (DoD) Installations	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Revise regulation to incorporate content from 32 CFR part 213 and add new content regarding home-based businesses.

48 CFR 252.229-7001 - Tax Relief	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine the language of DFARS Clause 252.229-7000, Invoices Exclusive of Taxes or Duties, with this clause.
48 CFR 252.239-7004 - Orders for Facilities and Services	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine the language of DFARS Clause 252.239-7005, Rates, Charges, and Services, with this clause.
48 CFR 252.239-7007 - Cancellation or Termination of Orders	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Add the text of DFARS Clause 252.239-7008, Reuse Arrangements, to this DFARS clause.
48 CFR 252.239-7013 - Obligation of the Government	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine this clause with DFARS 252.239-7014 and -7015. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses. Note: Previously reviewed 10.12.2017. RRTF changed recommendation from retain to revise.
TOTAL RULES FOR REVISION: 9	

RECOMMENDATION: MODIFY (AMEND)	
CFR PART AND TITLE	RATIONALE
32 CFR 28 - New Restrictions on Lobbying	Outdated, unnecessary or ineffective. This is part of a common rule. It serves as the regulatory implementation of 31 U.S.C. 1352. The FAR includes the comparable requirements for Federal procurement as the statute applies to contracts as well as specified types of assistance. As part of the overall revision of the DoDGARs, this part eventually will be relocated to 2 CFR Chapter XI.
32 CFR 44 - Screening the Ready Reserve	Outdated, unnecessary or ineffective. The modification of this regulation will include administrative updates to incorporate NDAA 2016, section 511 updated screening requirements, updated USD(P&R) organizational structure, and other minor updates.
32 CFR 104 - Civilian Employment Rights For Service Members, Former Service Members And Applicants Of The Uniformed Services	Outdated, unnecessary or ineffective. The modification of this part will remove content internal to the Department. DASD Reserve Integration has established a working group to evaluate for necessary updates. Recommendations may result in additional changes.
32 CFR 113 - Indebtedness Procedures of Military Personnel	Outdated, unnecessary or ineffective. The modification of this part will remove references to CFR 112 that is recommended for repeal and include a references to DoD Instruction 1344.09 that addresses the internal procedures and responsibilities. The appendices containing sample forms will be replaced by a link to the website containing the most current forms.
32 CFR 199.13 – TRICARE Dental Program NOT COUNTED IN TOTAL	Outdated, unnecessary or ineffective. The modification of this section will update OHI to allow for an exception to enrollment when alternate coverage is available to a family member; correct cost shares for sealants; redefine definition of CONUS/OCONUS.

<p>32 CFR 199.16 – Supplemental Health Care Program for Active Duty Members NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. The modification of this section will allow the Director, DHA, to delegate authorization of individual SHCP waivers to Service Medical HQs for non-TRICARE covered services. Those services where delegation is not authorized will be listed in the SHCP-DHA PI.</p>
<p>32 CFR 199.20 – Continued Health Care Benefit Program (CHCBP)</p>	<p>Outdated, unnecessary or ineffective. Updates required per recent statutory changes. An Interim Final Rule titled, TRICARE Select and Other TRICARE Reforms was published on September 29, 2017, and replaced TRICARE Standard with TRICARE Select coverage as of January 1, 2018; established “Group B” beneficiary cost shares and deductibles; and made a technical correction to eligibility criteria for certain former spouses to qualify to purchase more than 36 months of coverage.</p>
<p>32 CFR 199.23 – Special Supplemental Food Program NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. The modification of this section includes minor verbiage changes to remove TMA and replace it with DHA. This rule is necessary to effectively implement the WIC Overseas Program required by 10 U.S.C. 1060a.</p>
<p>32 CFR 199.26 – TRICARE Young Adult (TYA) NOT COUNTED IN TOTAL</p>	<p>Outdated, unnecessary or ineffective. Updates required per recent statutory changes. An Interim Final Rule titled, TRICARE Select and Other TRICARE Reforms was published on September 29, 2017, and replaced TYA Standard with TYA Select coverage as of Jan. 1, 2018; established “Group B” beneficiary cost shares and deductibles; required a qualifying life event to occur should the former dependent wish to re-purchase coverage after termination of coverage for failing to pay premiums; deleted references to retroactive coverage permitted at the start of TYA in 2011; and deleted the definition of undue hardship.</p>

32 CFR 621 - Loan and Sale of Property	Outdated, unnecessary or ineffective. The modification of this part removes content unique to the Army and other DoD activities and guidance pertaining to the loan of Army and Defense Logistics Agency-owned property for use at national and State conventions. Also, it will include administrative updates to references. Note: Previously deferred for further review.
32 CFR 623 - Loan of Army Materiel	Outdated, unnecessary or ineffective. The modification of this part remove content unique to the Army and other DoD activities, and include administrative updates to references. Note: Previously deferred for further review.
32 CFR 861, "DoD Commercial Air Transportation Quality and Safety Review Program	Outdated, unnecessary or ineffective. The modification of this regulation will include administrative updates to terminology, definitions, titles, office symbols, etc.
32 CFR 935 - Wake Island Code	Outdated, unnecessary or ineffective. Streamline and reduce the content by incorporation of aspects of other governing law into this part by reference.
33 CFR 238 – Flood Damage Reduction Measures in Urban Areas	Outdated, unnecessary or ineffective. The modification will incorporate engineering criteria into the part for federal participation in urban settings and update the exception process.
36 CFR 327 - Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers	Outdated, unnecessary or ineffective. Modifications to this part include sections 327.13- Explosives, Firearms, Other Weapons and Fireworks (to be more permissive and consistent with state firearm possession laws); 327.4 - Aircraft (for consistency with FAA jurisdiction and developments in unmanned aviation systems technology); 327.5 – Swimming (for clarifying swimming and diving regulations), and 327.11 – Control of Animals (to address control of unattended pets and to address new federal service animal regulations).

40 CFR Part 1700 - Uniform National Discharge Standards for Vessels of the Armed Forces	Outdated, unnecessary or ineffective. The Uniform National Discharge Standards requires the EPA and DoD to jointly develop uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces (33 U.S.C. 1322). The phase 2 final rule modifying these standards is estimated to publish in December 2018.
48 CFR 252.204-7002 - Payment for Subline Items not Separately Priced	Outdated, unnecessary or ineffective. There are instances in which a NSP item is identified as an individual deliverable on a contract, even though it is a part/component of a priced item on a different line item. Since 1970, DoD has implemented a more standardized approach to contract line item structure. As a result, this clause needs to be updated to clarify its use in contracts and its intent for contractors.
48 CFR 252.228-7005 - Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles	Outdated, unnecessary or ineffective. Modify the clause to make it mandatory because there is no situation in which the requirements of the clause would not be desirable to DoD when contracting for the manufacture, modification, overhaul, or repair of aircraft, missiles, and space launch vehicles.
48 CFR 252.243-7001 - Pricing of Contract Modifications	Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Add the text of DFARS Clause 252.231-7000, Supplemental Cost Principles, to this DFARS clause.
TOTAL RULES FOR AMENDMENT: 15	

RECOMMENDATION: RETAIN (NO CHANGES)	
CFR PART AND TITLE	RATIONALE
32 CFR 26 - Government-wide Requirements for Drug-Free Workplace (Financial Assistance)	This part is required by OMB guidance at 2 CFR 182.20 as follows: "To comply with the requirement in Section 41 U.S.C. 705 for Government-wide regulations, each Federal agency that awards grants or cooperative agreements or makes other financial assistance awards that are subject to the drug-free workplace requirements in subparts A through F of the guidance must issue a regulation consistent with those subparts." As part of the overall revision of the DoDGARs, this part eventually will be relocated to 2 CFR Chapter XI.
32 CFR 53 - Wearing of the Uniform	Prescribes limitations on the wearing of the uniform by members of the Armed Forces, including reserves and retirees, and establishes policy with respect to wearing of the uniform by former members of the Armed Forces.
32 CFR 74 - Appointment Of Doctors Of Osteopathy As Medical Officers	This part establishes eligibility criteria required for a citizen of the United States to be appointed as a Medical Corps officer in the Army and Navy, or designated as medical officer in the Air Force. Section 74.2 adds requirements beyond what is enumerated in the public law.
32 CFR 108 - Health Care Eligibility under the Secretarial Designee Program and Related Special Authorities	Establishes policy and assigns responsibilities under 10 U.S.C. 1074(c) for health care eligibility under the Secretarial Designee Program. Implements the requirement of 10 U.S.C. 2559 that the United States receive reimbursement for inpatient health care provided in the United States to foreign military or diplomatic personnel or their dependents.
32 CFR 252 - Professional U.S. Scouting Organization Operations at U.S. Military Installations Overseas	The part calls for a written agreement that outlines support provided by DoD and services provided by qualified scouting organizations. These agreements replace the need for qualified scouting organizations to submit application packages to gain approval from the installation commander as required by 32 CFR part 212. These agreements are valid for nine years.

32 CFR 260 - Vending Facility Program for the Blind on DoD-Controlled Federal Property	This part informs potential vendors that meet the requirements of 20 U.S.C. 107 et seq. and 34 CFR part 395 (i.e., blind licensees) how to apply for permission to operate on a DoD installation.
32 CFR 273 - Defense Materiel Disposition	Prescribes procedures for the disposition of DoD personal property, provides procedures for disposal of excess property and scrap, and provides procedures for property donations, loans, and exchanges. Note: Previously deferred for further review.
48 CFR 5231 - Contract Cost Principles and Procedures	Public Law 105-85 provides authority to broaden and strengthen the shipbuilding industrial base by providing an incentive for a shipbuilder to obtain new private sector work thereby reducing the Navy's cost of doing business.
48 CFR 252.204-7006 - Billing Instructions	This clause ensures that funds are properly disbursed and helps to avoid the misallocation of funds or violation of the Anti-Deficiency Act. It provides the clarity DoD needs to appropriately track contract expenditures.
48 CFR 252.204-7007 - Alternate A, Annual Representations and Certifications	This provision enables DoD to use SAM to centrally collect annual representations and certifications for required DFARS provisions from prospective offerors; rather than require offerors to complete the provisions as a part of each offer submitted to the DoD. It allows the DFARS provisions to be collected in SAM along with the FAR provisions captured as annual representations and certifications. This approach has been established as a government-wide best practice.
48 CFR 252.206-7000 - Domestic Source Restriction Provision	The provision is necessary to implement 10 U.S.C. 2304(c)(3) and notifies countries in a clear and consistent manner that they may not compete on a given requirement, as it is restricted to domestic sources for the reasons provided in 10 U.S.C. 2304(c)(3).
48 CFR 252.211-7002 - Availability for Examination of Specifications, Standards, Plans, Drawings, Data Item Descriptions and Other Pertinent Documents	The clause provides offerors with necessary information on where to examine requirements documents, which are unavailable for distribution, and upon which the offeror bases its proposal.

48 CFR 252.211-7007 - Reporting of Government-Furnished Property (GFP)	The clause communicates to contractors their responsibilities regarding GFP and the Item Unique Identification registry. This communication facilitates an integrated approach to tracking government property across DoD that provides traceability at any time in an item's lifecycle. Such traceability enables DoD to efficiently manage its assets, be audit ready, and mitigate counterfeit item risk.
48 CFR 252.213-7000 - Notice to Prospective Suppliers on Use of Past Performance Information Retrieval System—Statistical Reporting in Past Performance Evaluations	This clause notifies offerors of the source and use of information that will contribute to their past performance evaluation by the contracting officer when making a contract award decision.
48 CFR 252.217-7027 - Contract Definitization	While civilian agencies have the authority to enter into letter contracts, they do not have the authority to enter into the other types of undefinitized actions that are permitted for DoD. Therefore, there is no FAR text that can meet DoD's needs under the authority granted under 10 USC 2326.
48 CFR 252.222-7003 - Permit from Italian Inspectorate of Labor	Issuance of work permits is mandatory in Italy. This clause helps to ensure compliance with the law by informing contractors of their obligation to obtain a work permit, and protects DoD's interests by permitting the termination of the contract, at no cost to DoD, in the event that the contractor fails to obtain the requisite permit.
48 CFR 252.222-7004 - Compliance with Spanish Social Security Laws and Regulations	Spanish social security laws and regulations, which generally apply to all employees who render services in Spanish territories, require employers to register as an employer in Spain and make the necessary contributions for its employees. This clause ensures contractor compliance with Spanish law.
48 CFR 252.222-7005 - Prohibition on Use of Nonimmigrant Aliens—Guam	This clause implements section 390 of the NDAA 1998, which requires that each DoD contract for base operations support to be performed on Guam prohibit performance of work under the contract by any alien who is issued a visa or otherwise provided non-immigrant status under the Immigration and Nationality Act.

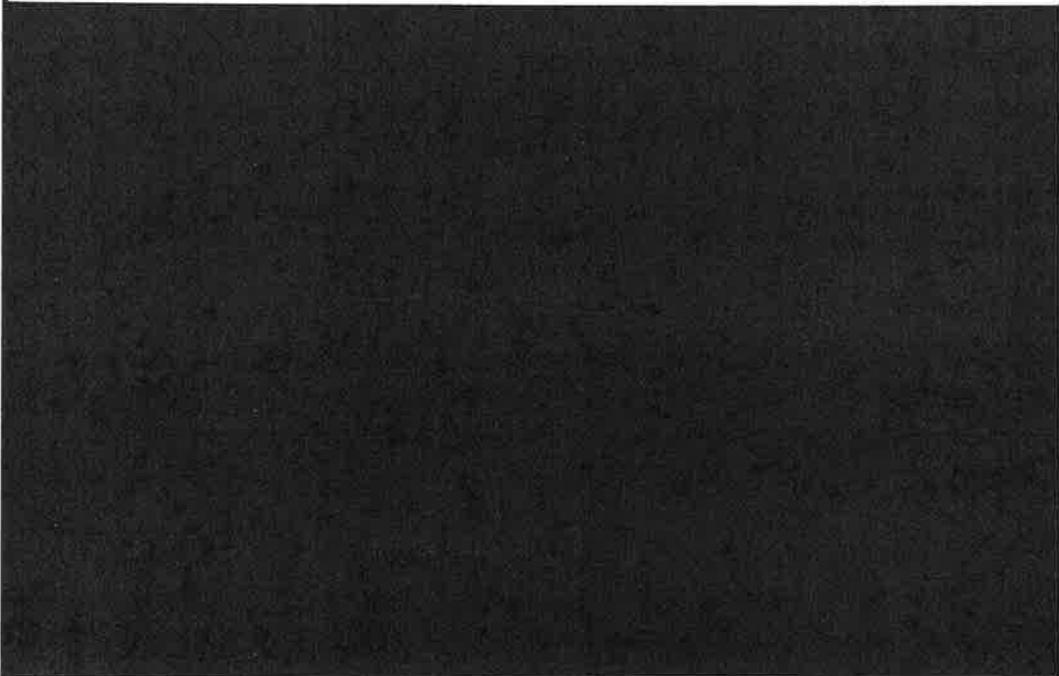
48 CFR 252.223-7001 - Hazard Warning Labels	This clause facilitates DoD oversight and the safe handling of hazardous material across the DoD workforce.
48 CFR 252.223-7008 - Prohibition of Hexavalent Chromium	This clause helps implement DoD policy that addresses the serious human health and environmental risks related to the use of hexavalent chromium.
48 CFR 252.225-7011 - Restriction on Acquisition of Supercomputers	This clause helps ensure DoD and contractor compliance with the manufacturing restriction for supercomputers. The restriction helps to protect United States technology interests and prevent the transfer of leading edge technology.
48 CFR 252.225-7017 - Photovoltaic Devices	This clause provides DoD-wide guidance to contractors on how to comply with several complex laws and agreements when performing under a "covered" contract that utilizes photovoltaic devices.
48 CFR 252.225-7018 - Photovoltaic Devices—Certificate	This provision provides DoD-wide guidance to contractors on how to comply with several complex laws and agreements when performing under a "covered" contract that utilizes photovoltaic devices. It provides the contracting officer with additional information that is not available elsewhere and, upon which, the contracting officer relies on to make a contract award.
48 CFR 252.225-7040 - Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States	This clause implements DoD-wide policy on the uniform treatment of contractors that accompany a deployed force, and enables combatant commanders to maintain awareness of and accountability for contractor personnel and contracted capabilities by requiring contractor use of the Synchronized Pre-deployment and Operational Tracker.
48 CFR 252.225-7043 - Antiterrorism/Force Protection for Defense Contractors Outside the United States	This clause ensures that employees of DoD contractors and subcontractors receive timely and up-to-date security information that aims to protect their physical safety when traveling outside the U.S.

48 CFR 252.228-7006 - Compliance with Spanish Laws and Insurance	According to the Agreement of Friendship and Cooperation Between the U.S. and Spain, the U.S. Government must require contractors (that are non-Spanish concerns) to obtain insurance on its employees that covers any civil liabilities that may occur when performing in Spanish territories. The clause ensures compliance with the agreement by notifying contractors of Spanish insurance requirements.
48 CFR 252.229-7002 - Customs Exemptions (Germany)	This clause ensures that DoD is afforded the proper relief under an international agreement, notifies the contractor of the duty-free agreement between the U.S. and Germany, and provides an authorization to the contractor to use the duty-free provision.
48 CFR 252.229-7003, Tax Exemptions (Italy)	This clause ensures DoD contracts and subcontracts do not include taxes from which the US government is exempt, and implements a DoD-wide process to provide the contractor with proper certification documentation.
48 CFR 252.229-7004 - Status of Contractor as a Direct Contractor (Spain)	This clause implements a DoD-wide process for communicating to contractors their status under the Complementary Agreement 5 of the Agreement on Friendship and their resulting responsibilities to ensure compliance with the Agreement.
48 CFR 252.229-7005 - Tax Exemptions (Spain)	This clause ensures DoD contracts and subcontracts do not include taxes from which the U.S. government is exempt.
48 CFR 252.229-7006 - Value Added Tax Exclusion (United Kingdom)	This clause provides the contractor with a certification to properly document the applicable exemption and ensures that DoD contracts do not include taxes from which the U.S. government is exempt.
48 CFR 252.229-7007 - Verification of United States Receipt of Goods	In accordance with Reference Note 431 of Her Majesty's Revenue and Customs, this clause provides the contractor with the certification that is required from the contracting officer in order for the contractor to obtain a refund of the import duties assessed under the contract.

48 CFR 252.229-7008 - Relief from Import Duty (United Kingdom)	This clause ensures DoD contracts do not include United Kingdom import duties from which the U.S. government is exempt.
48 CFR 252.229-7009 - Relief from Customs Duty and Value Added Tax on Fuel (Passenger Vehicles) (United Kingdom)	This clause implements an agreement between the United States Government and Her Majesty's Customs and Excise, which exempts any fuels or lubricants used by passenger vehicles in performance of a U.S. contract from customs duties and value added tax for fuel.
48 CFR 252.229-7010 - Relief from Customs Duty on Fuel (United Kingdom)	This clause implements an agreement between the United States Government and Her Majesty's Customs and Excise, which permits relief from custom duty on fuels or lubricants used in taxis and vehicles (other than passenger vehicles) performing under U.S. contracts.
48 CFR 252.229-7011 - Reporting of Foreign Taxes -- U.S. Assistance Programs	This clause advises contractors that the commodities under the contract shall be exempt from all taxes and duties imposed by the recipient country; and requires the contractor to notify the foreign government of the tax exemption and notify the Government if taxes are nevertheless imposed on the commodities.
48 CFR 252.229-7012 - Tax Exemptions (Italy) - Representation	This clause identifies the Italian taxes for which DoD is exempt from paying under the contract, ensures that DoD does not pay taxes from which it is exempt, and provides the contracting officer with additional information that would otherwise be unavailable and, upon which, the contracting officer relies on to make a contract award.
48 CFR 252.232-7000 - Advance Payment Pool	This clause advises the contractor that advance payments will be made in accordance with the authorization for advance payment, and payments will be governed by the terms of the Advanced Payment Pool Agreement, which is incorporated in the contract by reference.

<p>48 CFR 252.232-7003 - Electronic Submission of Payment Requests and Receiving Reports</p>	<p>By notifying the contractor of the electronic submission requirements via Wide Area Work Flow, this clause helps DoD implement the requirements of 10 U.S.C. 2227. Electronic invoicing facilitates a streamlined and efficient method for payment processing, reduces late payment penalties, and provides both the contractor and the Government with information and transparency into the invoicing and payment process.</p>
<p>48 CFR 252.232-7006 - Wide Area Workflow Payment Instructions</p>	<p>This clause supports DoD's implementation of 10 U.S.C. 2227, which requires use of electronic invoicing and the processing of supporting documents by DoD. The clause ensures consistent guidance and pertinent information is being provided to contractors in an effort to mitigate input and processing errors with the system.</p>
<p>48 CFR 252.232-7007 - Limitation of Government's Obligation</p>	<p>This clause provides DoD standardized wording and procedures for incrementally funding fixed-price contracts, and protects DoD from incurring cost under the contract that is in excess of the funding available for the contract effort.</p>
<p>48 CFR 252.232-7014 - Notification of Payment in Local Currency (Afghanistan)</p>	<p>FRAGO 09-1567 and 10-143 are still in effect for DoD. This provision provides offerors, and DoD with a single understanding of how payment will be made under the contract in accordance with applicable policies.</p>
<p>48 CFR 252.237-7000 - Notice of Special Standards of Responsibility</p>	<p>This provision implements audit policies that require non-federal auditors performing work for DoD components to be subject to Government Accounting Standards.</p>
<p>48 CFR 252.242-7004 - Material Management and Accounting System</p>	<p>This clause helps to ensure that applicable laws and regulations are complied with and provides the contractor with standardized and consistent information on DoD requirements and processes related to material management and accounting systems.</p>

48 CFR 252.242-7006 - Accounting System Administration	This clause adds value by describing the criteria for an "acceptable accounting system," "accounting system" and what constitutes a "significant deficiency" in the accounting system. These descriptions provide the framework and criteria for an acceptable accounting system to a contractor and is not prescribed elsewhere in the DFARS.
48 CFR 252.245-7000 - Government-Furnished Mapping, Charting, and Geodesy Property	This clause provides language to ensure that DoD-furnished Mapping, Charting, and Geodesy property is properly disposed of at the end of the contract performance period to preclude improper use.
48 CFR 252.245-7003 - Contractor Property Management System Administration	This clause helps to ensure that applicable laws and regulations are complied with and provides the contractor with standardized and consistent information on DoD requirements and processes related to contractor property management systems.
48 CFR 252.246-7000 - Material Inspection and Receiving Report	Inspection and receiving reports serve various logistic and quality assurance functions (e.g., evidence of Government quality assurance at origin or destination, evidence of acceptance, packing lists). They serve as a requisite piece of documentation to demonstrate what has been provided to the Government by a contractor, and the Government's subsequent inspection and acceptance of those goods and/or services. This clause ensures contractors provide this documentation to the Government, in accordance with DoD policies and procedures.
48 CFR 252.247-7002 - Revision of Prices	USTRANSCOM commonly uses negotiated procedures to award stevedoring services, and in turn, incorporates this clause into resultant contracts. This clause provides the contractor and DoD with a standardized process under which to request contract prices be re-negotiated based on changes in working conditions, including wages, when sufficient documentation is provided.



48 CFR 252.247-7007 - Liability and Insurance	The liability and insurance information in this clause is specific to vessel cargo operations. In order to protect the Government and contractor's interests when performing under these contracts, it is essential to assure adequate contractor insurance for injuries to third parties, maintain Government subrogation rights, and assure the contractor assists the Government in prosecution of suits against third parties.
48 CFR 252.247-7025 - Reflagging or Repair Work	This clause requires that all reflagging and repair work be performed in the U.S., or its outlying areas, if the work is on a vessel that was proposed under the contract and the work is performed prior to acceptance of the vessel by the Government.
TOTAL RULES FOR RETENTION: 51	

RECOMMENDATION: DEFER	
CFR PART AND TITLE	RATIONALE
32 CFR 233 - Federal Voting Assistance Program (FVAP)	P&R should revisit recommendation to repeal. Regulation might be needed for engagement with Executive Branch agencies such as the State Department and to provide guidance to State and local election officials. However, guidance internal to the Department can be removed from this part.
32 CFR 719 - Regulations Supplementing the Manual for Courts-Martial	Joint Service Committee does not believe that consolidating this part into an overarching DoD-level rule for the MCM is advisable because: -Does not want to incorporate CFR into MCM -Concerned that consolidation would interfere with their authority -Prerogatives and authorities given by statute. Note: Previously deferred
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.
TOTAL RULES DEFERRED: 3	