The Department of Defense Regulatory Reform Task Force
Progress Report
(July 1, 2018 through September 30, 2018)

I. Reviews During Reporting Period

During this reporting period, the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) reviewed 160 regulations and, as detailed in the attached list, recommends 27 for repeal, 10 for replacement, 27 for modification, and 96 for retention.

A main outcome of DoD's regulatory reform efforts is the removal of outdated, unnecessary, and ineffective regulations, which greatly improves the legitimacy and currency of DoD's codified regulations. Two examples from the Defense Federal Acquisition Regulation Supplement (DFARS) clauses and provisions of such recommended repeals are:

- Clause titled, "Oral Attestation of Security Responsibilities." The requirement to have contractors provide an oral attestation was never included in the National Industrial Security Program Operations Manual. This clause can be repealed as the requirement is unnecessary and is not effective for meeting the intended outcome.
- Provision titled, "Availability of Specifications, Standards, and Data Item Descriptions Not Listed in the Acquisition Streamlining and Standardization Information System (ASSIST), and Plans, Drawings, and Other Pertinent Documents." This provision can be repealed because an existing the examination provision can be used for these documents in lieu of this provision.

II. Total Reviews

Since the Task Force began its work in April 2017, it has reviewed 610 DoD regulations, including 271 DFARS 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 $4,294,000.00 in actual deregulatory cost savings (through the finalization of regulations) and has identified an estimated $ additional proposed deregulatory cost savings for the public. That savings number should continue to increase 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.'" A performance goal of the Department is to reduce its existing regulations by 25% in order to meaningfully reduce burden to the public. To date, the Task Force has recommended 238 of 716 regulations for repeal (33%).

Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – September 30, 2018)	Total Reviewed	Percent Reviewed
Task Force Reviewed Regulations	610 out of 716	85%
Task Force Recommended Deregulatory/Repeal Actions	238 out of 610	39%
Task Force Recommended Modify/Amend Actions	63 out of 610	10%
Task Force Recommended Replace (Consolidate)/Revise Actions	45 out of 610	7%
Task Force Recommended Retain Actions	261 out of 610	43%
Task Force Deferred Actions for Further Data or GC Review	3 out of 610	<1%
Administrative Repeal Actions Issued After 20 January 2017[1] (not counted as deregulatory actions for purposes of EO 13771)	50	
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 -$4,294,000.00	
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 already begun to implement the Task Force's approved recommendations. For example, 54 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 October 2018 through December 2018.

Additionally, the next Task Force report will conclude reports on the review of the Department's existing, codified regulations. Future Task Force reports will provide the status of regulatory actions taken to implement the Task Force's recommendations.

DoD Regulatory Reform Task Force's Sixth Set of Recommendations
(July 1, 2018 through September 30, 2018)

RECOMMENDATION: REPEAL (REMOVE)	
CFR PART AND TITLE	**RATIONALE**
2 CFR 1103 - Interim Grants and Cooperative Agreements Implementation of Guidance In 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"	**Outdated, unnecessary or ineffective.** Superseded by 2 CFR 1104.
32 CFR 32 - Administrative Requirements for Grants & Agreements with Institutions of Higher Educations, Hospitals, and other Non-Profit Organizations	**Outdated, unnecessary or ineffective.** This information has been updated in 2 CFR 200.
32 CFR 33 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	**Outdated, unnecessary or ineffective.** This information has been updated in 2 CFR 200.
32 CFR Part 99 - Procedures for States and Localities to Request Indemnification	**Outdated, unnecessary or ineffective.** By the terms of the statute and the regulation, this indemnification provision expired in 1989.
32 CFR 145 - Cooperation with the Office of Special Counsel of the Merit Systems Protection Board	**Outdated, unnecessary or ineffective.** Repeal because requirements are purely internal to the Department, and the requirements for the Department to meet its obligations with respect to the Office of Special Counsel are captured in DoD Directive 5500.19.
32 CFR 147 - Adjudicative Guidelines for Determining Eligibility for Access to Classified Information	**Outdated, unnecessary or ineffective.** Repeal upon publication of an amended 32 CFR part 156 which incorporates the public-facing content of 32 part 147.
32 CFR 148 - National Policy and Implementation of Reciprocity of Facilities	**Outdated, unnecessary or ineffective.** Repeal upon publication of an amended 32 CFR part 2001 and/or 2004 by NARA. NARA has agreed that it should incorporate relevant sections from 32 CFR part 148 into 32 CFR part 2001 and/or 2004, and separate the applicable portions pertaining to industry and to Government. NARA recommends that 32 CFR part 148 not be repealed until those amendments are published to ensure no gap in the requirements.
32 CFR 152 - Review of Manual for Courts-Martial	**Outdated, unnecessary or ineffective.** Repeal part 152 because its contents are purely internal to the Department.

32 CFR 169 - Commercial Activities Program	**Outdated, unnecessary or ineffective.** Based on a previous version of OMB Circular A-76 which was rescinded and replaced in May 2003. The issues dealt with by part 169 have been substantially changed since the part's publication. OMB A-76 public-private competition process has been under a Congressional moratorium since 2008.
32 CFR 169a - Commercial Activities Program Procedures	**Outdated, unnecessary or ineffective.** Based on a previous version of OMB Circular A-76 which was rescinded and replaced in May 2003. The issues dealt with by part 169 have been substantially changed since the part's publication. OMB A-76 public-private competition process has been under a Congressional moratorium since 2008.
32 CFR Part 171 - Wildfire Suppression Aircraft Transfer Act of 1996	**Outdated, unnecessary or ineffective.** Part not being used. There are other policies in place under 10 U.S.C. 2576 - Surplus military equipment: sale to state and local law enforcement, firefighting, home land security, and emergency management agencies that allow the sale or transfer of aircraft and aircraft parts to fire fighter agencies.
32 CFR 173.1 - Scope – Competitive Information Certificate and Profit Reduction Clause	**Outdated, unnecessary or ineffective.** The rule was intended for use until resolution of the investigation. The investigation was subsequently concluded and sanctions were imposed. Congress has subsequently enacted legislation to provide procurement integrity requirements, and that legislation has been implemented in the Federal Acquisition Regulation.
32 CFR Part 187 - Environmental Effects Abroad of Major Department of Defense Actions	**Outdated, unnecessary or ineffective.** Duplicates content of Executive Order 12114. This part is unnecessary.
32 CFR Part 193 - Highways for National Defense	**Outdated, unnecessary or ineffective.** This part may be repealed after DoD Directive 4510.11, "DoD Transportation Engineering," is edited and published to include the Army as the executive agent for coordination of DoD highway needs.
32 CFR 228 - Security Protective Force	**Outdated, unnecessary or ineffective.** Repeal once Department-wide rule (currently in development) covering these same topics is published.

32 CFR 253 - Assignment of American National Red Cross and United Service Organizations, Inc., Employees to Duty with the Military Services	**Outdated, unnecessary or ineffective.** DoD process better handled with existing internal policies (DoD Instruction 5200.08 and Directive-Type Memorandum 09-012) and bilateral agreements. These individuals are only assigned overseas at the invitation of DoD, and the specifics of their eligibility should be established in the MOU between DoD and the invited organizations.
32 CFR 264 - International Interchange of Patent Rights and Technical Information	**Outdated, unnecessary or ineffective.** This part should be removed from the CFR; however, the content in paragraphs 264.4(d)-(g) should be retained and placed in either a new DoD issuance or DoD Instruction 2000.03. This part should not be repealed until the DoD issuance is issued. In the interim, the references should be updated.
32 CFR 272 - Administration and Support of Basic Research by the DoD	**Outdated, unnecessary or ineffective.** Implements guiding principles for government-university research partnership. These principles generally advise DoD Components on how to approach such partnerships, but do not direct behavior of the public nor make requirements of the public.
32 CFR 277 - Implementation of The Program Fraud Civil Remedies Act	**Outdated, unnecessary or ineffective.** This rule should be repealed, contingent upon a change in the law requiring its existence. As noted in a January 2012 Government Accountability Office report (GAO-12-275R), DoD does not utilize the Program Fraud Civil Remedies Act (PFRCA). The PFRCA requires that presiding officials be administrative law judges, which DoD does not have. Further, DoD prefers to use other mechanisms to address false claims, including the False Claims Act and suspension and debarment processes. Legislation either exempting DoD from the PFRCA or amending the Act to allow persons other than administrative law judges to serve as presiding officers will be pursued.
32 CFR 283 - Waiver of Debts Resulting from Erroneous Payments of Pay and Allowances	**Outdated, unnecessary or ineffective.** Repeal once the revision of 32 CFR part 284 is completed to include the content of this part.

32 CFR 286h - Release of Acquisition-Related Information	**Outdated, unnecessary or ineffective.** Subparts 286h.1, 286h.2, and 286h.4 are internal DoD guidance and policy. The information in Subpart 286h.3 is policy from other parts of the U.S.C. and CFR that have been adequately addressed in the FAR.
32 CFR 337 - Availability of DoD Directives, DoD Instructions, DoD Publications, and Changes	**Outdated, unnecessary or ineffective.** This rule predates the availability of DoD issuances online, and the subscription service for hard copies has not been in operation for many years.
33 CFR 236 - Corps of Engineers Participation in Improvements for Environmental Quality	**Outdated, unnecessary or ineffective.** This regulation is redundant and internal. Implementation guidance and procedures for use of the Environmental Quality account are internal and found in Engineer Regulation 1105-2-100. Environmental evaluation is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and is implemented by the Corps pursuant to 33 CFR 230.
33 CFR 263 - Continuing Authorities Program	**Outdated, unnecessary or ineffective.** Implementation procedures for the authorities listed in this regulation are internal and already covered under ER 1105-2-100 Planning Guidance Notebook, Appendix F - Continuing Authorities Program.
33 CFR 276 - Water Resources Policies and Authorities: Application of Section 134a of PL 94-587	**Outdated, unnecessary or ineffective.** Section 134a of PL 94-587 expired December 31, 1977. The rule then became obsolete.
48 CFR 252.204-7005 - Oral Attestation of Security Responsibilities	**Outdated, unnecessary or ineffective.** The requirement to have contractors provide an oral attestation was never included in the NISPOM. This clause can be repealed, as the requirement is unnecessary and is not effective for meeting the intended outcome.
48 CFR 252.211-7001 - Availability of Specifications, Standards, and Data Item Descriptions Not Listed in the Acquisition Streamlining and Standardization Information System (ASSIST), and Plans, Drawings, and Other Pertinent Documents	**Outdated, unnecessary or ineffective.** DFARS provision 252.211-7002, Examination of Specifications, Standards, Plans, Drawings, Data Item Descriptions and Other Pertinent Documents, can be used in lieu of this provision.
TOTAL RULES FOR REPEAL: 27	

RECOMMENDATION: REPLACE (REVISE)	
CFR PART AND TITLE	**RATIONALE**
5 CFR 3601 - Supplemental Standards of Ethical Conduct for Employees of the DoD	**Outdated, unnecessary or ineffective.** The Standards of Conduct Office is currently working with the Office of Government Ethics on an update to this part. The draft provides clarifications, adds illustrative examples, and removes restrictions and requirements for DoD personnel. It revises and clarifies rules to increase flexibilities (e.g., increases cap on value of group gifts to supervisors), reassigning approval authority from Secretary concerned to DoD Designated Agency Ethics Officials for DoD personnel to accept educational scholarships and grants, and adds a new provision to permit the waiver of any supplemental regulation.
32 CFR 21 - DoD Grants and Agreements- General Matters	**Outdated, unnecessary or ineffective.** Revise to be consistent with 2 CFR 200 changes; move to 2 CFR 1100 series.
32 CFR 22 - DoD Grants and Agreements- Award Administration	**Outdated, unnecessary or ineffective.** Revise to be consistent with 2 CFR 200 changes; move to 2 CFR 1100 series.
32 CFR 233 - Federal Voting Assistance Program (FVAP)	**Outdated, unnecessary or ineffective.** Revise upon approval of legislative proposal. FVAP identified a potential burden reduction on the public under 52 USC 20302, which mandates procedures for States to request a hardship exemption waiver from DoD to send ballots to Uniformed and Overseas Citizens Absentee Voting Act voters 45 days before a federal election. DoD believes this waiver process is unnecessarily burdensome to the public because it hinders the Government's ability to create remedies to alleviate the impact of a State's inability to comply with the law. FVAP submitted a legislative proposal for the 2020 NDAA to repeal this requirement. In the interim, revise to remove internal DoD policy and content duplicate of statute. Retain rules that impact interagency voting assistance activities.

32 CFR 240 - DoD Information Assurance Scholarship Program (IASP)	**Outdated, unnecessary or ineffective.** NDAA FY 2018 requires renaming of program, reorientation of program focus on cyber, and inclusion of associate degree scholarships. Additionally, there are significant changes to the retention program due to uncertain resource availability.
32 CFR 250 - Withholding of Unclassified Technical Data and Technology From Public Disclosure	**Outdated, unnecessary or ineffective.** Incorporate minor changes and proceed with finalization of the proposed revision published 10/27/2016 (81 FR 75352). The Joint Certification Program established by this rule is the only method by which contractors can gain access to export controlled unclassified data. The provisions of this rule guard against exploitation of DoD science and technology while facilitating authorized contractor access to unclassified export controlled technical information.
32 CFR 765 - Rules Applicable to the Public (Miscellaneous Rules)	**Outdated, unnecessary or ineffective.** Revise part by doing the following: Remove section 6 from part 765 and include in part 761. Within this section, change "Commander, U.S. Naval Base, Pearl Harbor, Hawaii" to "Commander, Joint Base Pearl Harbor - Hickam." Remove section 12 as it duplicates existing statute. Remove sub-paragraph (f) from section 13 that refers to FOIA. Modify section 14 to reflect current state of affairs and new trademark licensing authority found at 10 U.S.C. 2260.
33 CFR 203 - Natural Disaster Procedures	**Outdated, unnecessary or ineffective.** Revise part to update holistic flood risk management, coastal storm risk management, and system wide improvement framework program. A draft revised rule was submitted to OMB and comments have been received.
33 CFR 222 - Engineering and Design	**Outdated, unnecessary or ineffective.** Revise part by doing the following: Retaining section 2 containing real estate procedures. Repeal sections 3, 4, and 6 containing subject USACE-centric procedures or work completed in the early 1980s. Replace section 5 containing public information about, and participation in, reservoir operational plans.

33 CFR 328 - Definition of Waters of the US	**Outdated, unnecessary or ineffective.** Joint rule with EPA. Revise definition of waters of the U.S., consistent with Executive Order 13778.
TOTAL RULES FOR REVISION: 10	

RECOMMENDATION: MODIFY (AMEND)	
CFR PART AND TITLE	**RATIONALE**
2 CFR 1125 - Non-procurement Debarment and Suspension	**Outdated, unnecessary or ineffective.** Modify language to reflect FY17 NDAA requirements.
32 CFR 3 - Transactions Other than Contracts, Grants, or Cooperative Agreements for Prototype Projects	**Outdated, unnecessary or ineffective.** Changes in the statute require modifying the rule to address new policies on the preference for use of Other Transactions, justification for use of Other Transactions, approvals thresholds for prototype projects, and the authority for successful prototype projects that were initially competed to transition to follow-on production Other Transactions or contracts.
32 CFR 34 - Administrative Requirements for Grants & Agreements with For-Profit Organizations	**Outdated, unnecessary or ineffective.** Modify to be consistent with 2 CFR 200 changes; move to title 2 of the CFR.
32 CFR 37 – Technology Investments Agreements (TIA)	**Outdated, unnecessary or ineffective.** Modify to be consistent with 2 CFR 200 changes; move to title 2 of the CFR.
32 CFR 142 - Copyrighted Sound and Video Recordings	**Outdated, unnecessary or ineffective.** The rule should be updated to address forms of authorized use other than permission/ license from the copyright owner, such as activity covered by numerous statutory limitations on copyright restrictions (e.g., "fair use"); and the policy should be revisited to consider expansion to recognize and protect privately owned copyrights for works other than only video and audio recordings (e.g., computer software, technical or literary materials).

32 CFR 155 - Defense Industrial Personnel Security Clearance Program	**Outdated, unnecessary or ineffective.** Minor non-substantive updates are already underway. They include updating Part 155 by replacing the old adjudicative guidelines, updating organizational titles, and updating the applicability section to include additional federal departments and agencies whose contractors benefit from this program.
32 CFR 156 - Department of Defense Personnel Security Program (DoDPSP)	**Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies.** The modification of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate into this part elements 32 CFR part 147 that post a public burden and eliminate outdated information.
32 CFR 158 - Operational Contract Support	**Outdated, unnecessary or ineffective.** Updates to existing DoD Instruction 3020.41 and a new instruction will constitute the basis for modifying this CFR part. Changes include broadening the range of operational scenarios and updates to comply with policy and statute. A review of this part's content has identified content that can be eliminated to streamline the regulation.
32 CFR 197 - Historical Research in the Files of the Office Of The Secretary Of Defense	**Outdated, unnecessary or ineffective.** Modify part to make administrative edits such as updating organizational titles and clarify language which will not change the process or requirements of the public.
32 CFR 211 - Mission Compatibility Evaluation Process	**Outdated, unnecessary or ineffective.** The rule requires amendments to conform it with recent statutory amendments. In section 311 of the NDAA for FY 2018, section 358 of the NDAA for FY 2011 was codified as 10 U.S.C. 183a and substantially revised.
32 CFR 222 - DoD Mandatory Declassification Review (MDR) Program	**Outdated, unnecessary or ineffective.** Modify part to update mailing addresses and clarify language to reflect when it is appropriate for DoD to respond to non-Public requests.

32 CFR 229 - Protection of Archaeological Resources	**Outdated, unnecessary or ineffective.** Modify this part to update references, update and remove certain reporting requirements, coordinate with OMB to allow DoD's continued use of Interior's common form, "Permit for Archaeological Investigations", and further evaluate DoD's implementation of the Archaeological Resources Protection Act -mandated permitting process to identify additional streamlining opportunities.
32 CFR 239 - Homeowners Assistance Program – Application Processing	**Outdated, unnecessary or ineffective.** Modify to update POC and organization information due to reorganization.
32 CFR 241 - Cyber Information Technology Exchange Program	**Outdated, unnecessary or ineffective.** Modify to reflect NDAA FY 2017 amendments. Section 1123 of the NDAA FY 2017 extended the authority from 2018-2022, renamed the program the "Cyber and Information Technology Exchange Program (CITEP)" and increased the allocations from 10 to 50 - the number of personnel that may be exchanged.
32 CFR 269 - Civil Monetary Penalty Inflation Adjustment	**Outdated, unnecessary or ineffective.** The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires inflationary adjustments to civil penalties be published in the Federal Register each year by January 15.
32 CFR 284 - Waiver Procedures for Debts Resulting from Erroneous Payments of Pay and Allowances	**Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies.** The modifications to this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate the contents of 32 CFR part 283 into this part and increase the waiver threshold and time limitation to make the rule consistent with the amendments made in statute.
32 CFR 719 - Regulations Supplementing the Manual for Courts-Martial	**Outdated, unnecessary or ineffective.** Modify each subpart by removing outdated and unnecessary language and updating with additional language to include a link to relevant provisions of the Manual for the Judge Advocate General (JAGMAN).

33 CFR 221 - Work for Others (Investigation and Supervision of Hydropower Projects Under the Federal Power Act)	**Outdated, unnecessary or ineffective.** Modify paragraph 221.1(i) to reflect current language in MOU between USACE and FERC. Modify paragraph 221.1(o) based on changes in use of funds for non-federal hydropower reviews. Update references.
33 CFR 241 - Flood Control Cost-Sharing Requirements Under the Ability to Pay Provision	**Outdated, unnecessary or ineffective.** Modify to include amendments to the Water Resources Development Act (WRDA). The WRDA 2000 amended Section 103(m) to include the following mission areas: environmental protection and restoration, flood control, navigation, storm damage protection, shoreline erosion, hurricane protection, and recreation or an agricultural water supply project. It also included the opportunity to cost share all phases of a USACE project to include feasibility, design and construction.
33 CFR 242 - Flood Plain Management Services Program Establishment Of Fees For Cost	**Outdated, unnecessary or ineffective.** USACE will modify this rule to show inflation since 1991 to the fee schedule.
33 CFR 325 - Processing of Department of the Army Permits	**Outdated, unnecessary or ineffective.** Modify Appendix C (Procedures for the Protection of Historic Properties) to conform to the 1992 amendments to the National Historic Preservation Act, provide consistency with the Advisory Council on Historic Preservation's regulations (2000 and 2004 amendments), and to address the Corps' obligations to consult with Indian tribes (see RIN 0710-AA75). Modify §325.2(b) to clarify timeframes for states to make water quality certification decisions for DA permits. Remove §325.1(f) which establishes $10 and $100 permit fees for individual permits. Add a paragraph addressing the requirement for the Corps to consult with NOAA on proposed activities that may adversely affect essential fish habitat (required under the 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act).

33 CFR 330 - Nationwide Permit Program	**Outdated, unnecessary or ineffective.** Modify part to: 1) Remove definitions of "headwaters" and "isolated waters" from §330.2 because these definitions are no longer used in the nationwide permit program; they apply to a nationwide permit that expired in 2000 and has not been reissued since it expired. 2) Remove footnote 1 from §330.4(c)(3) because it only applied to the nationwide permits issued in 1991 and those nationwide permits have been replaced by nationwide permits issued since 1991. 3) Update §330.4(c)(6) to clarify the time period for states to make water quality certification decisions, consistent with the recommended modification of 33 CFR 325.2(b)(1)(ii) for other types of permits.
33 CFR 331 - Administrative Appeal Process	**Outdated, unnecessary or ineffective.** Modify section 331.12 (exhaustion of administrative remedies) to include approved jurisdictional determinations as an action for which the affected party (e.g., the landowner) must first exhaust all applicable administrative remedies before filing a legal action in the Federal courts. For approved jurisdictional determination, this would be consistent with the process for other Corps decisions subject to the administrative appeal process (i.e., permit denials and declined proffered individual permits) prior to judicial review.
33 CFR 332 - Compensatory Mitigation for Losses of Aquatic Resources	**Outdated, unnecessary or ineffective.** Conduct rulemaking to determine whether or not to remove the interagency review team process from the regulation and clarify that interested agencies that comprised the interagency review team would still be able to comment on mitigation bank and in-lieu fee program proposals through the public notice process. This would be a joint rulemaking effort with EPA.

36 CFR 312 - Prohibition of Discriminatory Practices in Water Resources Development Projects	**Outdated, unnecessary or ineffective.** This part needs to be updated to reflect current protected classes under the relevant discrimination prohibitions. Revise prohibition on discrimination in 36 CFR 312.2 to provide for the equal use and enjoyment of Corps projects and facilities, as well as to prohibit concessionaires from discriminating against certain protected classes. Conform part 312 to current laws and policies.
48 CFR 252.226-7001 - Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns	**Outdated, unnecessary or ineffective.** Modify the current text to provide updated contact information for the bureaus and agencies identified as points of contacts for representation challenges. This clause is necessary to maximize usage of Indian organizations, Indian-owned economic enterprises, and Native Hawaiian small business concerns under DoD contracts.
48 CFR 5452 - Solicitation Provisions and Contract Clauses	**Outdated, unnecessary or ineffective.** Section 5452.249 should be removed from the part. There is not a need for the Allocation clause. On 1 February, 2006, DLA Energy documented in its internal records that this clause was deleted and reserved from its clause list. At that time, it was determined by DLA Energy that circumstances described by the clause could better be handled by force majeure provisions.
TOTAL RULES FOR AMENDMENT: 27	

RECOMMENDATION: RETAIN (NO CHANGES)	
CFR PART AND TITLE	**RATIONALE**
32 CFR 150 - Courts of Criminal Appeals Rules of Practice and Procedure	These rules govern the practice of not only military appellate counsel, but also civilian appellate counsel with no connection to the Department of Defense. As a result of recent statutory changes, a complete revision of the joint rules has been proposed. If that revision is adopted, it would then be appropriate to revise this CFR part. At this time, the rule is current and correct and should be retained.

32 CFR 153 - Criminal Jurisdiction over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members	This rule has a substantial impact on individuals outside the Department of Defense. Retention in the CFR is appropriate to ensure that they have notice of its provisions.
32 CFR 159 - Private Security Contractors Operating In Contingency Operations	Rule is model for allies and coalition partners in oversight and control of armed private security providers. Repeal of rule would create risk of violation of international and national law by DoD contractors acting on behalf of DoD
32 CFR 174 - Revitalizing Base Closure Communities and Addressing Impacts of Realignment	Rule must be retained for disposal and reuse of property in connection with any future closure and the realignment of installations.
32 CFR 176 - Revitalizing Base Closure Communities and Community Assistance—community Redevelopment and Homeless Assistance	Joint DoD – HUD regulation dealing exclusively with homeless assistance requirements in connection with the closure and the realignment of installations.
32 CFR 179 - Munitions Response Site Prioritization Protocol	The rule establishes a protocol for DoD to assign to each defense site in the inventory a relative priority for response activities based on the overall conditions at each location and taking into consideration various factors related to safety and environmental hazards.
32 CFR 188 - DoD Environmental Laboratory Accreditation Program	DoD spends over $1B in environmental cleanups annually and needs to ensure access to high-quality labs to support our environmental cleanup needs. The program provides greater opportunities for commercial laboratories access to DoD work. The DoD ELAP promotes fair and open competition among commercial laboratories and streamlines the process for identifying and procuring competent providers of environmental laboratory services.
32 CFR 202 - Restoration Advisory Boards	Provides a forum for the early discussion and continued exchange of environmental restoration information between DoD, regulatory agencies, tribes, the community and other stakeholders (e.g., parties that may be affected by environmental restoration activities around the installation).

32 CFR 203 - Technical Assistance for Public Participation in Defense Environmental Restoration Activities	Provides procedures for DoD to accept and evaluate applications, procure the assistance desired by community members, and manage the TAPP program.
32 CFR 223 - DoD Unclassified Controlled Nuclear Information (UCNI)	Provides policy, assigns responsibilities, and prescribes procedures for the implementation of 10 USC 128; the statutory basis for protection of DoD special nuclear material, equipment, and facilities. It was designed to make the distinction from the DOE program and identifies the authority for denying disclosure of UCNI pursuant to 5 USC 552.
32 CFR 236 - DoD's Defense Industrial Base (DIB) Cybersecurity (CS) Activities	This rule serves as the overarching mechanism with the Defense Federal Acquisition Supplement (DFARS) Case D018-2013, "Network Penetration Reporting and Contracting for Cloud Services" to implement the requirements in 10 U.S.C. 391 and 393. The rule also retains voluntary cyber threat information sharing activities under DoD's DIB CS Program.
32 CFR 243 - Ratemaking Procedures for Civil Reserve Air Fleet	Section 366 of the NDAA for FY 2012 directed the Secretary of Defense to determine a fair and reasonable rate of payment for airlift services provided by participants in the Civil Reserve Air Fleet Program. This rule provides the framework for the contracting officer to determine rates fair and reasonable.
33 CFR 245 - Removal of Wrecks and Other Obstructions	This rule defines procedures that are intended to insure that the impacts of wrecks and obstructions are minimized, while recognizing certain rights of owners, operators, and lessees.
33 CFR 321 - Permits for Dams and Dikes in Navigable Waters	This rule is necessary to implement the permit requirements of section 9 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act. Since 1986, there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.
33 CFR 322 - Permits for Structures or Work In or Affecting Navigable Waters of the United States	This rule is necessary to implement section 10 of the Rivers and Harbors Act of 1899. Since it was last modified in 1995, there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.

33 CFR 323 - Permits for Discharges of Dredged or Fill Material into Waters of the United States	This rule is necessary to implement section 404 of the Clean Water Act. Any changes to this rule would likely require joint rule-making with EPA. Since 2008, there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.
33 CFR Part 324 – Permits for Ocean Dumping of Dredged Material	This rule is necessary to implement section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, which provides the Secretary of the Army, acting through the Chief of Engineers, the authority to issue permits, after notice and opportunity for public hearing, for the transportation of dredged material for the purpose of disposal in the ocean. Since 1986 there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.
33 CFR 327 - Public Hearings	This rule is necessary to implement sections 9 and 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and the Corps' authorities to plan and implement Federal water resources development projects. Since 1986 there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.
33 CFR 329 - Definition of Navigable Waters of the United States	This rule is necessary to implement sections 9 and 10 of the Rivers and Harbors Act of 1899. Since 1986 there have been no court decisions or changes in laws, regulations, or policies that result in a need to modify this rule.
33 CFR 334 - Danger Zone and Restricted Area Regulations	This rule is necessary to implement Section 7 of the Rivers and Harbors Act of 1917 (33 U.S.C. 1), which gives the Corps authority to issue regulations governing the use, administration, and navigation of navigable waters for the protection of operations of the United States government (restricted areas). It is also necessary to implement the Army Appropriation Act of 1919 (33 U.S.C. 3), which gives the Corps the authority to issue regulations concerning use of navigable waters to prevent injuries from artillery fire in target practice (danger zones).

33 CFR 384 - Intergovernmental Review of Department of the Army Corps of Engineers Programs and Activities	Supports E.O. 12372, July 14, 1982 (47 FR 30959), as amended April 8, 1983 (48 FR 15887); and sec. 401 of the Intergovernmental Cooperation Act of 1968, as amended (31 U.S.C. 6506). The USACE will commit to start publishing a list of activities and programs that apply to this regulation.
48 CFR 252.204-7008 - Compliance with Safeguarding Covered Defense Information Controls	This provision ensures that the offeror is aware of the pertinent security requirements in effect under the proposed contract, enables offerors to bring their system into compliance prior to contract award, and permits the offeror to negotiate the terms of the contract, accordingly.
48 CFR 252.204-7009 - Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information	This clause protects the information submitted to DoD in response to a cyber incident by identifying the contractor's obligations and restrictions on use and disclosure of data under the contract.
48 CFR 252.204-7010 - Requirement for Contractor to Notify DoD if the Contractor's Activities are Subject to Reporting Under the U.S.-International Atomic Energy Agency Additional Protocol	This clause implements a DoD-wide approach to declaring exclusions under the U.S.-International Atomic Energy Agency Additional Protocol for contracted activities with direct national security significance and, as such, protects the interests of the DoD and the contractor.
48 CFR 252.204-7012 - Safeguarding Covered Defense Information and Cyber Incident Reporting	The protection of sensitive federal information while residing in contractor information systems and organizations is of paramount importance and can directly impact the ability of the DoD to successfully carry out its designated missions and business operations. This clause provides contractors with a DoD-wide approach to protecting such information and communicates the contractor's obligations regarding this information.
48 CFR 252.205-7000 - Provision of Information to Cooperative Agreement Holders	As part of the Procurement Technical Assistance Program (PTAP), cooperative agreement holders use information provided by defense contractors to help businesses identify and pursue contracts with DoD. The clause assists the PTAP by requiring contractors to provide such information, a term and condition of the contract.

48 CFR 252.208-7000 - Intent to Furnish Precious Metals as Government-Furnished Material	This provision helps DoD utilize the Precious Metals Recovery Program to the fullest extent and provides the contracting officer with manufacturing and pricing information that is not available elsewhere and upon which the contracting officer relies to make a contract award that is of the best value to the DoD.
48 CFR 252.209-7010 - Critical Safety Items	The failure of critical safety items can result in potentially catastrophic consequences for users and major platforms. This clause implements part of DoD's quality assurance policy for these items by defining and identifying the critical safety items under the contract and the impact to the contract as a result of these items.
48 CFR 252.211-7003 - Item Unique Identification and Valuation	This clause communicates DoD-wide, standardized information to contractors that facilitates the Department's ability to mark, value, and control items uniquely, starting at the point of acceptance.
48 CFR 252.211-7006 - Passive Radio Frequency Identification	This clause is necessary to ensure contractors support DoD's logistics needs and implement the passive Radio Frequency Identification requirements in a single, standardized manner.
48 CFR 252.211-7008 - Use of Government-Assigned Serial Numbers	This clause implements DoD's use of common key data across financial, property, acquisition, and logistics systems when procuring major end items from contractors. This clause is necessary to enable DoD to manage its asset accountability, life-cycle management, and risk; as well as enforce a standard marking practice that enables in crew members and maintenance technicians to visually distinguish between individual end items during operations.
48 CFR 252.215-7007 - Notice of Intent to Resolicit	This provision provides offerors with advanced notice of the Government's intent to cancel or resolicit the requirement in the event that effective competition is not achieved through the solicitation. This advanced notice allows offerors to consider the risk of cancellation/re-solicitation and subsequently choose to accept the cost involved with developing a proposal, in the

	event that they submit the only responsible offer to the DoD.
48 CFR 252.215-7008 - Only One Offer	This provision provides offerors with DoD-wide policies and procedures for submitting cost and price data, when requested, and supports DoD's focus on obtaining the best value at a competitive price.
48 CFR 252.216-7000 - Economic Price Adjustment--Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products	This clause protects both the Government and the contractor, as there is a known degree of uncertainty in market conditions for steel, aluminum, bronze, and copper. If this clause were not used, contractors would typically provide contingency allowances in their proposals to eliminate or reduce their risk of loss. The Government could incur unreasonable costs if the contingency did not materialize. Additionally, this clause incorporates a DoD-wide approach to handling price adjustments for such materials into contracts.
48 CFR 252.216-7001 - Economic Price Adjustment--Nonstandard Steel Items	This clause protects both the Government and the contractor, as there is a known degree of uncertainty in market conditions for steel. If this clause were not used, contractors would typically provide contingency allowances in their proposals to eliminate or reduce their risk of loss. The Government could incur unreasonable costs if the contingency did not materialize. Additionally, this clause incorporates a DoD-wide approach to handling price adjustments for such materials into contracts.
48 CFR 252.216-7003 - Economic Price Adjustment—Wage Rates or Material Prices Controlled by a Foreign Government	This clause protects both the Government and the contractor when there is a known degree of uncertainty surrounding the controlled wages or material prices within a foreign country. If this clause were not used, contractors would typically provide contingency allowances in their proposals to eliminate or reduce their risk of loss. The Government could incur unreasonable costs if the contingency did not materialize. Additionally, this clause incorporates a DoD-wide approach to handling price adjustments for these controlled wages or prices into contracts.

48 CFR 252.216-7007 - Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products—Representation	As the resultant contract will provide for economic adjustments in price over the life of the contract, this provision provides the contracting officer with assurance that the offered price for an item was not increased to reduce the offeror's risk of loss due to market fluctuations. This representation helps prevent DoD from awarding a contract under which it could incur unreasonable costs.
48 CFR 252.216-7008 - Economic Price Adjustment–Wage Rates or Material Prices Controlled by a Foreign Government-Representation	As the resultant contract will accommodate the mandatory adjustments in rates or material price over the life of the contract, this provision provides the contracting officer with assurance that the offered price was not increased to reduce the offeror's risk due to the potential for fluctuation in rates or price. This representation helps prevent DoD from awarding a contract under which it could incur unreasonable costs.
48 CFR 252.217-7026 - Identification of Sources of Supply	This provision ensures DoD and prospective contractors comply with the requirements of 10 U.S.C. 2384, which facilitates increased competition, where available, and potentially helps DoD avoid the payment of additional costs without significant value added.
48 CFR 252.219-7000 - Advancing Small Business Growth	This clause implements the requirements of 10 U.S.C. 2419, ensures the small business is aware of critical factors affecting their eligibility for future contracts based on size standards in a particular NAICS code; and provides additional assistance in making sound business decisions regarding short term growth versus long term benefits of contracts in a particular NAICS code.
48 CFR 252.222-7000 - Restrictions on Employment of Personnel	Section 8071 of the Defense Appropriation Act for Fiscal Year 2000 requires DoD service or construction contracts to be performed in a noncontiguous State, that has an unemployment rate in excess of the national average, to include a clause requiring the contractor to employ individuals who are residents of that State and who, in the case of any craft or trade, possess or be able to acquire promptly the necessary skills.

48 CFR 252.222-7006 - Restrictions on the Use of Mandatory Arbitration Agreements	Section 8116 of the DoD Appropriations Act for Fiscal Year 2010 restricts the use of mandatory arbitration agreements when using funds appropriated or otherwise made available by the Appropriations Act to award contracts that exceed $1M. This restriction was most recently included as section 8095 of the Consolidated Appropriations Act for Fiscal Year 2018.
48 CFR 252.223-7004 - Drug-Free Work Force	This clause implements the Drug-Free Workplace Act of 1988 which requires contractors to take certain actions to provide a drug-free workplace. This DFARS clause supplements FAR clause 52.223-6, Drug-Free Workplace, by implementing DoD policy regarding the Act and access to classified information, national security, or the protection of health and safety.
48 CFR 252.225-7013 - Duty-Free Entry	This clause is necessary to ensure the proper treatment of qualifying country supplies, in accordance with reciprocal memoranda of understanding, and eligible products, in accordance with international agreements, being procured under DoD contracts.
48 CFR 252.225-7042 - Authorization to Perform	When performing overseas, contractors must meet requirements imposed by the host country's government concerning local business, labor, environmental, tax, and other laws which are unique to conducting business within a particular country. As such, the award of DoD requirements is limited to firms that are authorized by the local governments to conduct business within that country. This provision ensures offerors are eligible for contract award and provides the contracting officer with information that is otherwise unavailable and upon which they rely when making a contract award.
48 CFR 252.227-7013 - Rights in Technical Data–Noncommercial Items	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.

48 CFR 252.227-7014 - Rights in Noncommercial Computer Software and Noncommercial Computer Software Documentation	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7015 - Technical Data–Commercial Items	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7016 - Rights in Bid or Proposal Information	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7017 - Identification and Assertion of Use, Release, or Disclosure Restrictions	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7018 - Rights in Noncommercial Technical Data and Computer Software—Small Business Innovation Research (SBIR) Program	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.

48 CFR 252.227-7019 - Validation of Asserted Restrictions—Computer Software	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7020 - Rights in Special Works	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7021 - Rights in Data—Existing Works	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7022 - Government Rights (Unlimited)	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7023 - Drawings and Other Data to Become Property of Government	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.

48 CFR 252.227-7024 - Notice and Approval of Restricted Designs	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7025 - Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7026 - Deferred Delivery of Technical Data or Computer Software	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7027 - Deferred Ordering of Technical Data or Computer Software	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7028 - Technical Data or Computer Software Previously Delivered to the Government	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.

48 CFR 252.227-7030 - Technical Data—Withholding of Payment	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7032 - Rights in Technical Data and Computer Software (Foreign)	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7033 - Rights in Shop Drawings	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.227-7037 - Validation of Restrictive Markings on Technical Data	This clause is subject to review under the efforts of the Government Industry Advisory Panel established under section 813(b) of the NDAA of FY 2016. It is most appropriate to retain this clause/provision, as written, until the 813 Panel's final report is complete and the Department determines which recommendations warrant implementation or legislative change.
48 CFR 252.228-7001 - Ground and Flight Risk	This clause implements and sets forth terms for a long-standing DoD practice to self-insure for the risk of loss of aircraft that are the property or in the possession of the contractor prior to delivery under the contract - in order to avoid the inclusion of potentially excessive insurance costs in the contract price. This practice is based on the premise that the self-insurance risk of loss is less than the costs of commercial insurance.

48 CFR 252.229-7013 - Tax Exemptions (Spain) – Representation	This provision ensures that offerors are aware of the tax exemption and that an offeror's proposal does not include taxes from which the U.S. government is exempt.
48 CFR 252.232-7002 - Progress Payments for Foreign Military Sales Acquisitions	This clause requires the contractor to submit a progress payment request for each progress payment rate and identify that contract requirement(s) to which it applies. To comply with Arms Export Control Act, DoD needs to know how much to charge each country as progress payments are made for foreign military sales purchases. The Government can only obtain this information from the contractor preparing the progress payment request.
48 CFR 252.232-7004 - DoD Progress Payment Rates	Progress payments are a form of Government financing for fixed-price contracts that are provided in recognition of the need for working capital, for long lead items, and work in-process expenditures. This clause implements the DoD-wide rate increase for progress payments to small businesses in an effort to expand the use of these businesses in contract efforts.
48 CFR 252.232-7005 - Reimbursement of Subcontractor Advance Payments -- DoD Pilot Mentor-Protégé Program	This clause communicates a standardized, DoD-wide policy and process for reimbursing contractors for advanced payments made to subcontractors under the authority of the pilot program. There are no other clauses in the FAR or the DFARS that communicate this information to contractors using the program.
48 CFR 252.232-7008 - Assignment of Claims (Overseas)	DoD uses this clause in lieu of FAR clause 52.232-23, Assignment of Claims, when contract performance will be in a foreign country. This DFARS clause differs from the FAR clause in that it incorporates the requirement that an assignment must be made in accordance with U.S. laws and permitted by the applicable country's laws and regulations. This clause protects DoD interests by helping to ensure an assignment of claims overseas is proper and correct and avoids a conflict of laws.

48 CFR 252.232-7010 - Levies on Contract Payments	This clause helps DoD mitigate the risk of contract non-performance due to a levy upon the contractor and provides a standardized process for notification and review of such situations
48 CFR 252.232-7011 - Payments in Support of Emergencies and Contingency Operations	This clause is used in conjunction with an appropriate FAR Prompt Payment clause. The authority of 5 CFR 1315 permits DoD to move from the appropriate FAR Prompt Payment clause to this DFARS clause, when an austere environment exists, via a unilateral modification to the contract. This flexibility is essential to contractors and DoD when operating in environments that go back and forth between stable and unstable operations. This clause communicates to contractors the necessary payment procedures and processes when operating in unstable environments.
48 CFR 252.232-7012 - Performance-Based Payments–Whole-Contract Basis	This clause protects DoD's financial interests by helping to ensure that contractors are not overpaid when receiving performance-based payments.
48 CFR 252.232-7013 - Performance-Based Payments–Deliverable Item Basis	This clause protects DoD's financial interests by helping to ensure that contractors are not overpaid when receiving performance-based payments.
48 CFR 252.233-7001 - Choice of Law (Overseas)	This clause serves as an agreement between two parties to accept the terms and conditions in the clause. The clause also clarifies, in advance, the choice of law under the contract and protects the United States interests when conducting business overseas.
48 CFR 252.234-7001 - Notice of Earned Value Management System	This provision implements the requirements of OMB Circular A-11, Part 7 and DoD policy by requiring the offeror to provide information that the contracting officer can use to ensure that the resulting awardee has a proper Earned Value Management system, or equivalent management system, in place at the time of contract award.

48 CFR 252.234-7002 - Earned Value Management System	This clause communicates a standardized DoD-wide approach to implementing Earned Value Management system guidelines with contractors. It supplements the FAR text with DoD-wide policy intending to streamline, improve, and increase consistency in Earned Value Management system implementation and application across the Department.
48 CFR 252.234-7003 - Notice of Cost and Software Data Reporting System	This provision implements a DoD-wide approach to ensuring that a resulting contract awardee has a proper Cost and Software Data Reporting system in place at the time of contract award, which is a requirement of DoD Instruction 5000.02 and DoD Manual 5000.04-M-1.
48 CFR 252.234-7004 - Cost and Software Data Reporting System	This clause is necessary to communicate to contractors a DoD-wide standardized approach/criteria to implementing and managing the Cost and Software Data Reporting system, which is the primary means that DoD uses to collect actual cost and related business data on major defense acquisition programs.
48 CFR 252.236-7010 - Overseas Military Construction--Preference for United States Firms	This provision of law continues to appear in appropriation acts succeeding Pub. L. 113-235. This DFARS provision assists DoD in implementing the statutory preference by notifying the offeror of the evaluation preference to be used in determining contract award and requesting additional information from the offeror that is unavailable elsewhere.
48 CFR 252.236-7011 - Overseas Architect-Engineer Services—Restriction to United States Firms	This provision of law continues to appear in appropriation acts succeeding Pub. L. 113-235. This DFARS provision helps DoD comply with the statutory prohibition by notifying the offeror of the restriction and requiring the offeror to confirm its eligibility for award, as represented by its submission of an offer to the Government. This representation provides the contracting officer with a positive affirmation of information that may be unavailable elsewhere.

48 CFR 252.236-7012 - Military Construction on Kwajalein Atoll--Evaluation Preference	This provision of law continues to appear in appropriation acts succeeding Pub. L. 113-235. This DFARS provision assists DoD in implementing the statutory preference by notifying the offeror of the evaluation preference to be used in determining contract award and requesting additional information from the offeror that is unavailable elsewhere.
48 CFR 252.236-7013 - Requirement for Competition Opportunity for American Steel Producers, Fabricators, and Manufacturers	This provision of law continues to appear in appropriation acts succeeding Pub. L. 113-235. This DFARS clause implements the statutory prohibition by notifying the contractor of their obligation to compete steel construction requirements and permit American firms to participate in that competition, when spending military construction funds; as a result, this clause helps support a U.S. national interest to build and maintain domestic producers of steel.
48 CFR 252.237-7001 - Compliance with Audit Standards	By incorporating this requirement as a term and condition of the contract, this clause ensures the contractor is accountable for high-quality audit work and that standardized language for this requirement appears in each applicable DoD contract. Included in solicitations and contracts for audit services, the clause requires the contractor to perform all services under the contract in accordance with Government Accounting Standards issued by the Comptroller General of the United States.
48 CFR 252.239-7009 - Representation of Use of Cloud Computing	The offeror's response to this provision provides the contracting officer with information that may not otherwise be ascertained from the offeror's proposal and serves as the offeror's representation to the Government as to whether or not cloud computing services will be used in performance of the contract. In the even that an offeror indicates in their response that cloud computing services will be used in performance of the contract, the contracting officer uses this information to verify that the offeror has a DISA-issued provisional authorization prior to contract award.

48 CFR 252.239-7010 - Cloud Computing Services	This clause communicates a standardized, DoD-wide approach to cloud computing services to contractors and helps ensure contractors comply with the statutory reporting requirements and DoD cloud computing policies and standards; all of which help protect the DoD information network against unauthorized activity, vulnerabilities, or threats.
48 CFR 252.239-7017 - Notice of Supply Chain Risk	This provision notifies offerors that the authorities granted by section 806 of the NDAA for FY 2011 apply to the procurement and put them on notice that they may be utilized to proactively address supply chain risk. The authorities granted by section 806 ensure that DoD assesses and mitigates enterprise risk in a timely manner and prevents the procurement of risky products, as necessary.
48 CFR 252.239-7018 - Supply Chain Risk	This clause notifies contractors that the authorities granted by section 806 of the NDAA for FY 2011 apply to the contract and put them on notice that they may be utilized to proactively address supply chain risk. The authorities granted by section 806 ensure that DoD assesses and mitigates enterprise risk in a timely manner and prevents the procurement of risky products, as necessary.
48 CFR 252.245-7001 - Tagging, Labeling, and Marking of Government-Furnished Property	This clause ensures that certain Government property, including contractor-acquired Government property, gets properly marked and, as a result, tracked under the applicable reporting clauses in the contract. Collectively, the item marking and reporting standards permit DoD to manage and track items across DoD financial, property, acquisition, and logistics systems. This clause is necessary to enable DoD to manage its asset accountability, life-cycle costs, operational readiness, supply chain integrity and risk.
48 CFR 252.245-7002 - Reporting Loss of Government Property	Contractors are required to report property loss to the Government in accordance with FAR clause 52.245-1, Government Property. This clause: (1) supplements the FAR clause by providing the contractor with an automated method and supplemental information needed to report property loss