Federal Register

Monday,
October 31, 2005

Part V

Department of Defense

Semiannual Regulatory Agenda

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

For this edition of the Department of Defense's regulatory agenda, the most important significant regulatory actions are included in the Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

This agenda updates the report published on May 16, 2005, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the spring of 2006, with the next regulatory plan scheduled to be published in the fall of 2006. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703-696-5282, or write to Executive Services Directorate, Washington Headquarters Services, 1777 North Kent Street, RPN, Suite 11000, Arlington, VA 22209-2133, or e-mail: robert.cushing@whs.mil.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, or call 703-697-2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Mr. Edward Burbol, telephone 703-696-2503, or write to Directives and Records Division, Executive Services Directorate, Washington Headquarters Services, 1777 North Kent Street, RPN, Suite 11100, Arlington, VA 22209-2133, or e-mail: edward.burbol@whs.mil.

For general information on Office of the Secretary agenda items, which are procurement-related, contact Ms. Michele Peterson, telephone 703-602-0311, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: michele.peterson@osd.mil.

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703-428-6422, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AHRC-PDD-RP, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315-3860, or e-mail: brenda.bowen@rmda.belvoir.army.mil.

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703-693-3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310-0108, or e-mail: chip.smith@hqda.army.mil.

For general information on Department of the Navy regulations, contact LCDR Eric McDonald, telephone 703-604-8202, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374-5066, or e-mail: eric.mcdonald@navy.mil.

For general information on Department of the Air Force regulations, contact Mr. Albert Bodnar, telephone 703-696-6327, or write to Department of the Air Force, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155, or e-mail: albert.bodnar@pentagon.af.mil.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army, Navy, and Air Force. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

To ease identification and to differentiate among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;
b. Paperwork Reduction Act of 1995;
c. Unfunded Mandates Reform Act of 1995.

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Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: August 31, 2005.

Howard G. Becker,

Deputy Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
752	Defense Contract Management Agency Freedom of Information Act (FOIA) Program	0790–AH00
753	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21)	0790–AH77
754	Voluntary State Tax Withholding From Retired Pay	0790–AH78
755	Emergency Security Control of Air Traffic (ESCAT) Plan	0790–AH81
756	DoD Privacy Program (DoD Directive 5400.11)	0790–AH83
757	Obtaining Information From Financial Institutions (DoD Directive 5400.12)	0790–AH84
758	Guidance on Obtaining Information From Financial Institutions (DoD Instruction 5400.15)	0790–AH85
759	Sale or Rental of Sexually Explicit Material on DoD Property (DoD Instruction 4105.70)	0790–AH86
760	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	0790–AH88
761	Transition Assistance for Military Personnel (DoD Directive 1332.35)	0790–AH89
762	Revitalizing Base Closure Communities and Addressing Impacts of Realignment	0790–AH91

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
763	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5)	0790–AF59
764	Restoration Advisory Boards (RABs)	0790–AG31
765	Settling Personnel and General Claims and Processing Advance Decision Requests	0790–AG47
766	Personnel Security Policies for Granting Access to Classified Information	0790–AG54
767	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity	0790–AG55
768	National Policy on Technical Surveillance Countermeasures	0790–AG56
769	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790–AG76
770	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790–AG90
771	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790–AG91
772	Review of the Manual for Courts-Martial (DoD Directive 5500.17)	0790–AG99
773	Implementation of Section 740 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century and Section 1051 of the National Defense Authorization Act for Fiscal Year 2003	0790–AH02
774	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents	0790–AH70
775	Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members (DoDI 5525.11)	0790–AH73
776	Supplemental Standards of Ethical Conduct for Employees of the Department of Defense	0790–AH74
777	DoD Contractors' Safety Manual (DoD 4145.26-M)	0790–AH76
778	Department of Defense National Security Personnel System (NSPS)	0790–AH82
779	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7) and Personal Commercial Solicitation on DoD Installations Implementing Procedures (DoD Instruction 1344.aa)	0790–AH87
780	Management and Mobilization of Regular and Reserve Retired Military Members	0790–AH92

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Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
781	Development of a Munitions Response Site Prioritization Protocol	0790–AG94
782	DoD Grant and Agreement Regulations	0790–AH75
783	Federal Policy for the Protection of Human Subjects	0790–AH79
784	Administration and Support of Basic Research by the Department of Defense (DoDD 3210.1)	0790–AH90

Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
785	Contract Pricing (DFARS Case 2003-D014)	0750–AE71
786	Exchange or Sale of Government-Owned Information Technology (DFARS Case 2003-D094)	0750–AE72
787	Acquisition Planning (DFARS Case 2003-D044)	0750–AE92
788	Small Business Programs (DFARS Case 2003-D047)	0750–AE93
789	Contract Administration Functions (DFARS Case 2003-D051)	0750–AE96
790	Acquisition of Information Technology (DFARS Case 2003-D068)	0750–AE98
791	Required Sources of Supplies and Services (DFARS Case 2003-D072)	0750–AF00
792	Special Contracting Methods (DFARS Case 2003-D079)	0750–AF02
793	Types of Contracts (DFARS Case 2003-D078)	0750–AF03
794	Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2004-D022)	0750–AF16
795	Restriction on Carbon, Alloy, and Armor Steel Plate (DFARS Case 2005-D002)	0750–AF17
796	Earned Value Management Systems (DFARS Case 2005-D006)	0750–AF19
797	Foreign Acquisition Procedures (DFARS Case 2005-D012)	0750–AF21
798	Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010)	0750–AF22
799	Reports of Government Property (DFARS Case 2005-D015)	0750–AF24

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
800	Incremental Funding, Fixed-Price Contracts (DFARS Case 1990-037)	0750–AA07
801	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750–AD72
802	Approval of Service Contracts and Task Orders (DFARS Case 2002-D024)	0750–AD81
803	Contract Period for Task and Delivery Order Contracts (DFARS Case 2003-D097)	0750–AE25
804	Threshold for Small Business Specialist Review (DFARS Case 2003-D060)	0750–AE30
805	Consolidation of Contract Requirements (DFARS Case 2003-D109)	0750–AE48
806	Transition of Weapons-Related Prototype Projects to Follow-On Contracts (DFARS Case 2003-D106)	0750–AE49
807	Free Trade Agreements—Australia and Morocco (DFARS Case 2004-D013)	0750–AE59
808	Specialized Service Contracting (DFARS Case 2003-D041)	0750–AE62
809	Acquisition of Telecommunications Services (DFARS Case 2003-D055)	0750–AE63
810	Utility Rates Established by Regulatory Bodies (DFARS Case 2003-D096)	0750–AE64
811	Acquisition of Utility Services (DFARS Case 2003-D069)	0750–AE65
812	Extraordinary Contractual Actions (DFARS Case 2003-D048)	0750–AE66
813	Update of Clauses for Telecommunications Services (DFARS Case 2003-D053)	0750–AE67
814	Information Technology Equipment—Screening of Government Inventory (DFARS Case 2003-D054)	0750–AE68
815	Basic Agreements for Telecommunications Services (DFARS Case 2003-D056)	0750–AE69
816	Foreign Acquisition (DFARS Case 2003-D008)	0750–AE70
817	Material Inspection and Receiving Report (DFARS Case 2003-D085)	0750–AE73
818	Micro-Purchases Not Using the Governmentwide Purchase Card (DFARS Case 2003-D059)	0750–AE74
819	Simplified Acquisition Procedures (DFARS Case 2003-D075)	0750–AE75
820	Uniform Contract Line Item Numbering (DFARS Case 2003-D082)	0750–AE76
821	Administrative Matters (DFARS Case 2003-D084)	0750–AE77
822	Contract Financing (DFARS Case 2003-D043)	0750–AE78
823	Business Restructuring Costs (DFARS Case 2004-D026)	0750–AE79
824	DoD Pilot Mentor-Protégé Program (DFARS Case 2004-D028)	0750–AE80

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Defense Acquisition Regulations Council—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
825	Sole Source Award of 8(a) Contracts to Native Hawaiian-Owned Small Business Concerns (DFARS Case 2004-D031)	0750–AE81
826	Incentive Program for Use of Domestic Machine Tools and Other Capital Assets (DFARS Case 2005-D003)	0750–AE83
827	Quality Assurance (DFARS Case 2003-D027)	0750–AE85
828	Subcontracting Policies and Procedures (DFARS Case 2003-D025)	0750–AE86
829	Contract Modifications (DFARS Case 2003-D024)	0750–AE87
830	Socioeconomic Programs (DFARS Case 2003-D029)	0750–AE88
831	Transportation (DFARS Case 2003-D028)	0750–AE89
832	Environment, Occupational Safety, and Drug-Free Workplace (DFARS Case 2003-D039)	0750–AE90
833	Construction Contracting (DFARS Case 2003-D034)	0750–AE91
834	Contract Termination (DFARS Case 2003-D046)	0750–AE94
835	Authorization for Continued Contracts (DFARS Case 2003-D052)	0750–AE95
836	Contractor Insurance/Pension Reviews (DFARS Case 2003-D050)	0750–AE97
837	Describing Agency Needs (DFARS Case 2003-D073)	0750–AE99
838	Component Breakout (DFARS Case 2003-D071)	0750–AF01
839	Contracting by Negotiation (DFARS Case 2003-D077)	0750–AF04
840	Contract Administration (DFARS Case 2003-D023)	0750–AF05
841	Application of Labor Laws to Government Acquisitions (DFARS Case 2003-D019)	0750–AF06
842	Competition Requirements for Federal Supply Schedules and Multiple Award Contracts (DFARS Case 2004-D009)	0750–AF08
843	Contractor Performance of Acquisition Functions Closely Associated With Inherently Governmental Functions (DFARS Case 2004-D021)	0750–AF09
844	Combating Trafficking in Persons (DFARS Case 2004-D017)	0750–AF11
845	Notification Requirements for Critical Safety Items (DFARS Case 2004-D008)	0750–AF12
846	Export-Controlled Information and Technology (DFARS Case 2004-D010)	0750–AF13
847	Levy on Payments to Contractors (DFARS Case 2004-D033)	0750–AF14
848	Prohibition of Foreign Taxation on U.S. Assistance Programs (DFARS Case 2004-D012)	0750–AF15
849	Contract Reporting (DFARS Case 2005-D004)	0750–AF18
850	Training for Contractor Personnel Interacting With Detainees (DFARS Case 2005-D007)	0750–AF20
851	Buy American Act Exemption for Commercial Information Technology (DFARS Case 2005-D011)	0750–AF23

Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
852	Codification and Modification of Berry Amendment (DFARS Case 2002-D002)	0750–AD76
853	Purchase Card Internal Controls (DFARS Case 2002-D025)	0750–AD87
854	Protests, Disputes, and Appeals (DFARS Case 2003-D010)	0750–AE01
855	Acquisition of Ball and Roller Bearings (DFARS Case 2003-D021)	0750–AE60

Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
856	Unique Item Identification and Property Valuation (DFARS Case 2003-D081)	0750–AE09
857	Cost Accounting Standards (DFARS Case 2003-D015)	0750–AE10
858	Central Contractor Registration (DFARS Case 2003-D040)	0750–AE11
859	Geographic Use of the Term "United States" (DFARS Case 2001-D003)	0750–AE12
860	Payment and Billing Instructions (DFARS Case 2003-D009)	0750–AE34
861	Major Systems Acquisition (DFARS Case 2003-D030)	0750–AE35
862	Contractors Accompanying a Force Deployed (DFARS Case 2003-D087)	0750–AE42
863	Reporting Contract Performance Outside the United States (DFARS Case 2004-D001)	0750–AE46
864	Personal Services Contracts (DFARS Case 2003-D103)	0750–AE50
865	Quality Control of Aviation Critical Safety Items and Related Services (DFARS Case 2003-D101)	0750–AE51
866	Radio Frequency Identification (DFARS Case 2004-D011)	0750–AE55

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Defense Acquisition Regulations Council—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
867	Provision of Information to Cooperative Agreement Holders (DFARS Case 2004-D025)	0750–AE58
868	Advisory and Assistance Services (DFARS Case 2003-D042)	0750–AE61
869	Restrictions on Totally Enclosed Lifeboat Survival Systems (DFARS Case 2004-D034)	0750–AE82
870	Berry Amendment Memoranda (DFARS Case 2004-D035)	0750–AE84
871	Assignment of Contract Administration Functions (DFARS Case 2004-D007)	0750–AF07
872	Multiyear Contracting (DFARS Case 2004-D024)	0750–AF10

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
873	The Freedom of Information Act Program	0702–AA45
874	Obtaining Information From Financial Institutions	0702–AA49
875	Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations	0702–AA50
876	Personnel Review Board	0702–AA51

Department of the Army—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
877	Foreign Acquisition	0702–AA38
878	Solicitation Provisions and Contract Clauses	0702–AA39
879	Decorations, Medals, Ribbons, and Similar Devices	0702–AA41

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
880	Motor Vehicle Traffic Supervision	0702–AA43
881	Military Police Investigations	0702–AA44
882	Personal Check Cashing Control and Abuse Prevention	0702–AA48

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
883	Regulatory Program of the Army Corps of Engineers and Historic Properties	0710–AA51
884	Compensatory Mitigation for Losses of Aquatic Resources	0710–AA55
885	Navigation Regulations—Bonneville Lock and Dam	0710–AA63

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
886	Nationwide Permit Program Regulations	0710–AA60
887	Navigation Regulations—Lake Washington Ship Canal	0710–AA62

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U.S. Army Corps of Engineers—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
888	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710–AA42
889	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis	0710–AA43
890	Cost-Sharing Requirements Under the Ability To Pay Provisions	0710–AA44
891	Special Events Rule	0710–AA53

Department of the Navy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
892	Shipbuilding Capability Preservation Agreements	0703–AA50

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
893	Release of Official Information for Litigation Purposes and Testimony by Department of the Navy Personnel	0703–AA76

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
894	TRICARE; Changes to DRG and Inpatient Mental Health Payment Systems	0720–AA91
895	TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program (TDP)	0720–AA92

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
896	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care	0720–AA20
897	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720–AA41
898	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices	0720–AA49
899	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720–AA50
900	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720–AA56
901	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials	0720–AA57
902	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720–AA65
903	TRICARE; Prime Remote for Active Duty Family Members	0720–AA68
904	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720–AA69
905	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period	0720–AA72
906	TRICARE; Sub-Acute Care Program; Uniform Skilled Nursing Facility Benefit; Home Health Care Benefit; Adopting Medicare Payment Methods for Skilled Nursing Facilities and Home Health Care Providers	0720–AA73
907	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03)	0720–AA85
908	TRICARE; Coordination of Benefits Between TRICARE and The Department of Veterans Affairs	0720–AA87
909	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments, or Procedures	0720–AA88

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Office of Assistant Secretary for Health Affairs—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
910	TRICARE Reserve Select for Certain Members of the Selected Reserve, Transitional Assistance Management Program, Early Eligibility for TRICARE for Certain Reserve Component Members	0720–AA90
911	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2005; TRICARE Dental Program	0720–AA93

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
912	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS): Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services	0720–AA70
913	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02) and a Technical Correction Included in the NDAA-03	0720–AA77
914	TRICARE; Changes to NDAA FY02 and Technical Correction to NDAA FY03	0720–AA89

Department of Defense (DOD) — Proposed Rule Stage

Office of the Secretary (OS)

752. DEFENSE CONTRACT MANAGEMENT AGENCY FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 289

Legal Deadline: None

Abstract: This rule implements the Freedom of Information Act, as amended. It assigns responsibility for responding to written requests made pursuant to the Act and provides for the review required to determine the appropriateness of classification.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Cathy Alphin, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 428–1453

RIN: 0790–AH00

753. ARMED SERVICES EXCHANGE REGULATIONS (ASER) (DOD INSTRUCTION 1330.21)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 50

Legal Deadline: None

Abstract: This rule prescribes procedures and assigns responsibilities for operating the Armed Services exchanges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: George McNamara, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602–4601

RIN: 0790–AH77

754. VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1045

CFR Citation: 32 CFR 78

Legal Deadline: None

Abstract: This rule provides implementing guidance for voluntary State tax withholding from the retired pay of uniformed Service members.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jacqueline Jenkins, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 697–8282

RIN: 0790–AH78

755. EMERGENCY SECURITY CONTROL OF AIR TRAFFIC (ESCAT) PLAN

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 245

Legal Deadline: None

Abstract: This rule incorporates provisions and actions for the newly formed Department of Homeland Security and the Transportation Security Administration in addition to the Department of Transportation and the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: William Whalen, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 416–3016

William Mahony, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 697–6554

RIN: 0790–AH81

756. DOD PRIVACY PROGRAM (DOD DIRECTIVE 5400.11)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552a

CFR Citation: 32 CFR 310

Legal Deadline: None

Abstract: This proposed rule amends 32 CFR part 310 to show organizational changes and realignments, to reflect assigned responsibilities, to affirm program coverage, and to delete and add, as appropriate, statutory and regulatory authorities.

Timetable:

Action	Date	FR Cite
NPRM	09/07/05	70 FR 53135
NPRM Comment Period End	11/07/05	
Final Action	12/00/05	
Final Action Effective	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mr. Vahan Moushegian, Department of Defense, Office of the Secretary, Department of Defense, Washington Headquarters Services, Defense Pentagon, Washington, DC 20301
Phone: 703 607–2944

RIN: 0790–AH83

757. OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS (DOD DIRECTIVE 5400.12)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 12 USC 3401

CFR Citation: 32 CFR 275

Legal Deadline: None

Abstract: This proposed rule updates policies and responsibilities for obtaining access to financial records maintained by financial institutions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Mr. Vahan Moushegian, Department of Defense, Office of the Secretary, Department of Defense, Washington Headquarters Services, Defense Pentagon, Washington, DC 20301
Phone: 703 607–2944

RIN: 0790–AH84

758. GUIDANCE ON OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS (DOD INSTRUCTION 5400.15)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 276

Legal Deadline: None

Abstract: This rule provides guidance on obtaining access to financial records maintained by financial institutions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Mr. Vahan Moushegian, Department of Defense, Office of the Secretary, Department of Defense, Washington Headquarters Services, Defense Pentagon, Washington, DC 20301
Phone: 703 607–2944

RIN: 0790–AH85

759. SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON DOD PROPERTY (DOD INSTRUCTION 4105.70)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2489a

CFR Citation: 32 CFR 235

Legal Deadline: None

Abstract: This rule implements 10 U.S.C. 2489a, which prohibits the sale or rental of sexually explicit material on property under DoD jurisdiction. The part establishes responsibilities for monitoring compliance, establishes a review board to determine whether a material offered for sale or rental is sexually explicit as consistent with the definition in 10 U.S.C. 2489a, and delineates review board procedures and required reports.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: George McNamara, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602–4601

RIN: 0790–AH86

DOD—OS

Proposed Rule Stage

760. • 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

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 94

Legal Deadline: None

Abstract: Militarily certify alien dependents seeking naturalization under the provisions of sections 1430(b) and 1430(c) of title 8, United States Code, and furnishes policy guidance to the Secretaries of the Military Departments governing discharge of release from active duty in the Armed Forces of the United States of permanent residence aliens who desire to be naturalized as United States citizens.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Mr. William Gleason, Department of Defense, Office of the Secretary, Crystal Square 4, Room 302, Arlington, VA 22202
Phone: 703 602–5012

RIN: 0790–AH88

761. • TRANSITION ASSISTANCE FOR MILITARY PERSONNEL (DOD DIRECTIVE 1332.35)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 88

Legal Deadline: None

Abstract: This rule updates policy and responsibilities for the Transition Assistance Program for active duty military personnel and their families, members of the Reserve Components serving on active duty for a period of 180 days or more, members of the National Guard on full time National Guard Duty, and their eligible family members. The Transition Assistance Program prepares separating Service members and their families with the skills, tools, and self-confidence necessary to ensure successful re-entry into the Nation's civilian work force.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mr. Ronald L. Horne, Department of Defense, Office of the Secretary, Crystal Square 4, Room 321a, Arlington, VA 22202
Phone: 703 602–4949

RIN: 0790–AH89

762. • REVITALIZING BASE CLOSURE COMMUNITIES AND ADDRESSING IMPACTS OF REALIGNMENT

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 174; 32 CFR 175; 32 CFR 176

Legal Deadline: None

Abstract: This amendment consolidates parts 174, 175, and 176 into a single part. The amendment also address changes in law, policy, and environmental requirements not currently addressed.

Timetable:

Action	Date	FR Cite
NPRM	08/09/05	70 FR 15698
NPRM Comment Period End	10/10/05	70 FR 15698
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: S. Kleiman, Department of Defense, Office of the Secretary, 3400 Defense Pentagon, Washington, DC 20310–3400
Phone: 703 571–9085

RIN: 0790–AH91

Department of Defense (DOD)
Office of the Secretary (OS)

Final Rule Stage

763. NATIONAL SECURITY EDUCATION PROGRAM (NSEP) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (DOD INSTRUCTION 1025.5)

Priority: Substantive, Nonsignificant

Legal Authority: 20 USC 1141(a)

CFR Citation: 32 CFR 206

Legal Deadline: Final, Statutory, April 5, 1994.

Abstract: The National Security Education Act provided for the National Security Education Program, the National Security Education Board, and a trust fund in the U.S. Treasury to provide all resources for the program. Under the Act, the Secretary is directed to carry out a program to award undergraduate scholarships, graduate fellowships, and grants to institutions of higher education. This rule is to inform those concerned with institutional grants to be offered under the 1994-1995 pilot grants program of the preliminary guidelines.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/19/94	59 FR 26116
Interim Final Rule Comment Period End	07/18/94	
Interim Final Rule Effective	05/05/94	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Steve Door, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696–1991
Email: nsep@nsep.policy.osd.mil

RIN: 0790–AF59

764. RESTORATION ADVISORY BOARDS (RABS)

Priority: Other Significant

Legal Authority: 5 USC 551 et seq; 10 USC 2705

CFR Citation: 32 CFR 202

Legal Deadline: NPRM, Statutory, September 15, 1996.

Abstract: In accordance with the National Defense Authorization Acts for 1995 and 1996, the Department has prepared this rule for Restoration Advisory Boards (RABs). DoD has established RABs at over 200 installations and formerly used Defense sites that have environmental restoration programs for cleanup of contaminated sites. The purpose of the RAB is to facilitate public participation in restoration activities at operating and closing installations. The proposed rule is based on DoD's current policies for RABs, as well as DoD's experience in establishing and operating RABs over the past 2 years.

Timetable:

Action	Date	FR Cite
NPRM	08/06/96	61 FR 40764
NPRM Comment Period End	11/04/96	61 FR 40765
NPRM Extension of Comment Period	11/19/96	61 FR 58803
NPRM Comment Period End	01/20/97	
Second NPRM	01/28/05	70 FR 4061
Second NPRM Comment Period End	03/29/05	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Patricia Ferrebee, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 571–9060

RIN: 0790–AG31

765. SETTLING PERSONNEL AND GENERAL CLAIMS AND PROCESSING ADVANCE DECISION REQUESTS

Priority: Other Significant

Legal Authority: 10 USC 2575; 10 USC 2771; 10 USC 4712; 10 USC 9712; 24 USC 420; 31 USC 3529; 31 USC 3702; 32 USC 714; 37 USC 554; . . .

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: This rule proposes policy and assigns responsibilities for settling personnel and general claims and for processing requests for an advance decision. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding $1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68956
NPRM Comment Period End	01/13/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Pending analysis of public comments and issuance of final regulations, DOHA intends to use the procedures and practices applicable to claims and waiver applications before the effective dates of the transfers of authority, June 30, 1996, and December 18, 1996, respectively, which are published in title 4, Code of Federal Regulations, chapter 1, subchapters C and G. See also 61 FR 50285, September 25, 1996; and 62 FR 5387, February 5, 1997.

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696–8510

Related RIN: Related to 0790–AG89, Related to 0790–AG90, Related to 0790–AG91

RIN: 0790–AG47

766. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 147

Legal Deadline: None

Abstract: This rule is published to streamline security practices throughout the Government. Uniform adjudicative guidelines, investigative standards, and guidelines for temporary access are being established. This initiative will simplify security processing and allow the deserving public to obtain a security clearance in a faster, more efficient manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/98	63 FR 4572
Interim Final Rule Effective	03/24/98	
Interim Final Rule Comment Period End	03/31/98	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602–9969

RIN: 0790–AG54

767. NATIONAL POLICY ON RECIPROCITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCITY

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 148

Legal Deadline: None

Abstract: This rule is published to make physical facilities available for reciprocal use in the storage of classified information. Once a facility has been certified as suitable for classified use by one organization, it may also be used by another for like purposes.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4580
Interim Final Rule	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602–9969

RIN: 0790–AG55

768. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES

Priority: Substantive, Nonsignificant

Legal Authority: EO 12968

CFR Citation: 32 CFR 149

Legal Deadline: None

Abstract: This rule is published to limit the use of technical surveillance countermeasures within the boundaries of the U.S. to cases where there is a reasonable showing of threat.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4582
Interim Final Rule	01/30/98	63 FR 4582
Interim Final Rule Comment Period End	03/31/98	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Terence Thompson, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 602–9969

RIN: 0790–AG56

769. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 22; 32 CFR 32

Legal Deadline: None

Abstract: This rulemaking is the Department of Defense portion of a multiple-agency action. The agencies are amending their rules implementing Office of Management and Budget (OMB) Circular A-110 ''Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.'' The amendments to the rules incorporate updated language in Circular A-110 requiring Federal awarding agencies to ensure that all data produced under awards subject to the Circular are made available to the public through the procedures established under the Freedom of Information Act (FOIA). OMB updated the Circular language in this way in October 1999, in response to a provision in Public Law 105-277. With this rule amendment to 32 CFR parts 22 and 32, the Department of Defense therefore will maintain policies on access to data produced under awards subject to Circular A-110 that are consistent with the policies of other executive departments and agencies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 588–1377
Email: mark.herbst@osd.mil

RIN: 0790–AG76

770. WAIVER OF DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD DIRECTIVE 1340.21)

Priority: Other Significant

Legal Authority: 5 USC 5584; 10 USC 2774; 32 USC 716

CFR Citation: 32 CFR 283

Legal Deadline: None

Abstract: This rule proposes policy and assigns responsibilities for considering applications for the waiver of debts resulting from erroneous payments of pay and allowances (including travel and transportation allowances) to or on behalf of members of the Uniformed Services and civilian DoD employees. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding $1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the

reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68963
NPRM Comment Period End	01/13/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696–8510

Related RIN: Related to 0790–AG47, Related to 0790–AG89, Related to 0790–AG91

RIN: 0790–AG90

771. WAIVER PROCEDURES FOR DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD INSTRUCTION 1340.23)

Priority: Other Significant

Legal Authority: 5 USC 552a; 5 USC 2104; 5 USC 2105; 5 USC 5584; 10 USC 2774; 32 USC 716; . . .

CFR Citation: 32 CFR 284

Legal Deadline: None

Abstract: This rule proposes policy and prescribes procedures for considering waiver applications. The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations to the Secretary of Defense and others and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding $1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members and DoD employees to the Secretary of Defense. The Secretary of Defense further delegated his claims settlement and waiver authorities to the General Counsel. This rule implements the reassignment of the Comptroller General's former duties within the Department of Defense with little impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68965
NPRM Comment Period End	01/13/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hipple, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696–8510

Related RIN: Related to 0790–AG47, Related to 0790–AG89, Related to 0790–AG90

RIN: 0790–AG91

772. REVIEW OF THE MANUAL FOR COURTS–MARTIAL (DOD DIRECTIVE 5500.17)

Priority: Substantive, Nonsignificant

Legal Authority: EO 12473; 10 USC 47

CFR Citation: 32 CFR 152

Legal Deadline: None

Abstract: The Department of Defense promulgates procedures implementing Executive Order 12473, dated July 13, 1984, calling upon the Secretary of Defense to cause an annual review of the Manual for Courts-Martial (MCM) and to recommend to the President any appropriate amendments. Through the annual review process, the Secretary of Defense assists the President in fulfilling his rulemaking responsibilities under article 36 of the Uniform Code of Military Justice (UCMJ; chapter 47 of title 10, United States Code). Under the direction of the General Counsel of the Department of Defense, a Joint Service Committee on Military Justice (JSC) is established with responsibility to conduct the annual review and propose MCM amendments. The JSC also proposes amendments to the UCMJ, as necessary. This rule updates part 152 to title 32, Code of Federal Regulations, ''Review of the Manual for Courts-Martial,'' to reflect practice and procedures for conducting annual reviews and to change the annual review cycle from concluding with an annual report due to the General Counsel by December 31, instead of May 1. The change in the annual review cycle is due to legislative requirements on affecting JSC responsibilities. This interim rule is provided to afford a 60-day opportunity for public comment prior to issuing a final rule. This rule is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	05/03/03	68 FR 36915
Interim Final Rule	06/20/03	68 FR 36915
Interim Final Rule Comment Period End	08/19/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert E. Reed, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 695–1055

RIN: 0790–AG99

773. IMPLEMENTATION OF SECTION 740 OF THE WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY AND SECTION 1051 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Priority: Substantive, Nonsignificant

Legal Authority: PL 106–181; PL 107–314

CFR Citation: 32 CFR 207

Legal Deadline: None

Abstract: This rule prescribes regulations to implement section 740 of the Wendell H. Ford Aviation

Investment and Reform Act for the 21st Century (Pub. L. 106-181) and section 1051 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). The regulations will establish procedures for the sale of excess Department of Defense aircraft to persons or entities that provide oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/22/03	68 FR 27904
Interim Final Rule Effective	05/22/03	
Interim Final Rule Comment Period End	07/21/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Debra Bennett, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 604–0098

Related RIN: Related to 0790–AG95

RIN: 0790–AH02

774. PROVISION OF EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES TO ELIGIBLE DOD DEPENDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 301

CFR Citation: 32 CFR 57

Legal Deadline: None

Abstract: This rule implements the Individuals With Disabilities Education Act, as amended in 1997. The rule integrates into one policy both 32 CFR part 57 (which concerned provision of early intervention and special education to eligible DoD dependents in overseas areas) and 32 CFR part 80 (which concerned provision of early intervention and special education services in domestic Department of Defense schools).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/04	69 FR 32662
Interim Final Rule Effective	06/10/04	
Interim Final Rule Comment Period End	08/09/04	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: R. Posante, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696–4493

RIN: 0790–AH70

775. CRIMINAL JURISDICTION OVER CIVILIANS EMPLOYED BY OR ACCOMPANYING THE ARMED FORCES OUTSIDE THE UNITED STATES, SERVICE MEMBERS, AND FORMER SERVICE MEMBERS (DODI 5525.11)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 18 USC 3261

CFR Citation: 32 CFR 153

Legal Deadline: None

Abstract: This rule establishes policies and procedures, and assigns responsibilities, under the Military Extraterritorial Jurisdiction Act (MEJA), for exercising extraterritorial criminal jurisdiction over certain military personnel, former service members of the United States Armed Forces, and over civilians employed by or accompanying the Armed Forces outside the United States (as specifically defined in section 3267 of MEJA).

Timetable:

Action	Date	FR Cite
NPRM	02/02/04	69 FR 4890
NPRM Comment Period End	04/02/04	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Robert E. Reed, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 695–1055

RIN: 0790–AH73

776. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 5 USC 7301; 5 USC 7351; 5 USC 7353; EO 12674; EO 12731; 5 CFR 2635.105; 5 CFR 2635.203(a); 5 CFR 2635.204(k); 5 CFR 2635.803

CFR Citation: 5 CFR 3601

Legal Deadline: None

Abstract: The Department of Defense, with the concurrence of the Office of Government Ethics (OGE), is amending the Supplemental Standards of Ethical Conduct for Employees of the Department of Defense to reflect certain administrative changes as a result of DoD reorganizations, as well as to add a component.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Amendments	11/18/03	68 FR 64979
Interim Final Rule Effective; Amendments	11/18/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gail Mason, Standards of Conduct Office, General Counsel, Department of Defense, Office of the Secretary, 1600 Defense Pentagon, Washington, DC 20301–1600
Phone: 703 697–5305

RIN: 0790–AH74

777. DOD CONTRACTORS' SAFETY MANUAL (DOD 4145.26–M)

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 184

Legal Deadline: None

Abstract: This rule provides guidelines to contractors that are engaged in ammunition and explosives operations. This rule is necessary to minimize the potential for mishaps that should interrupt DoD operations, delay project completion dates, adversely impact DoD production base or capability, damage or destroy DoD-owned material/equipment, cause injury to DoD personnel, or endanger the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 16038
NPRM Comment Period End	05/31/05	70 FR 16038
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Josephine Covino, Department of Defense, Office of the Secretary, 2461 Eisenhower Avenue, Alexandria, VA 22331
Phone: 703 325–8625
Fax: 703 325–6227
Email: josephine.covino@ddesb.osd.mil

RIN: 0790–AH76

778. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

Priority: Other Significant

Legal Authority: 5 USC 9902

CFR Citation: 5 CFR 9901

Legal Deadline: None

Abstract: The Department of Defense (DoD) and the Office of Personnel Management (OPM) are issuing proposed regulations to establish the National Security Personnel System (NSPS), a human resources management system for the Department of Defense, as authorized by the National Defense Authorization Act (Pub. L. 108-136, November 24, 2003). NSPS governs basic pay, staffing, classification, performance management, labor relations, adverse actions, and employee appeals. NSPS aligns DoD's human resources management system with the Department's critical mission requirements and protects the civil service rights of its employees.

Timetable:

Action	Date	FR Cite
NPRM	02/14/05	70 FR 7552
NPRM Comment Period End	03/16/05	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Brad Bunn, Department of Defense, Office of the Secretary, Pentagon, Washington, DC 20301
Phone: 703 696–7770
Email: brad.bunn@cpms.osd.mil

RIN: 0790–AH82

779. PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7) AND PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS IMPLEMENTING PROCEDURES (DOD INSTRUCTION 1344.AA)

Priority: Other Significant

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 50

Legal Deadline: None

Abstract: This rule continues the established annual DoD registration requirements for life insurance companies operating on all DoD installations. It continues the established requirement for the sale of insurance and securities on DoD installations overseas. This rule identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn. This rule establishes procedures for persons solicited on DoD installations to evaluate solicitors, and it identifies procedures for providing financial education programs to military personnel.

Timetable:

Action	Date	FR Cite
NPRM	04/19/05	70 FR 20316
NPRM Comment Period End	06/20/05	70 FR 20316
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Mr. James Ellis, Department of Defense, Office of the Secretary, 241 South 18th Street, Crystal Square 4, Suite 302, Arlington, VA 22202
Phone: 703 602–5009

RIN: 0790–AH87

780. • MANAGEMENT AND MOBILIZATION OF REGULAR AND RESERVE RETIRED MILITARY MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 32 CFR 64

Legal Deadline: None

Abstract: This rule prescribes uniform policy and guidance governing the peacetime management of retired Regular and Reserve military personnel preparing for their use during a mobilization. It implements sections 688, 973, 12301(a), and 12307 of chapters 61, 63, 65, 367, 571, 573, and 1223 of title 10, United States Code.

Timetable:

Action	Date	FR Cite
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel Kohner, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301
Phone: 703 693–7479
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RIN: 0790–AH92

Department of Defense (DOD)
Office of the Secretary (OS)

Completed Actions

781. DEVELOPMENT OF A MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL

Priority: Other Significant

Legal Authority: 10 USC 2710

CFR Citation: 32 CFR 179

Legal Deadline: None

Abstract: In response to section 311 of the Fiscal Year 2002 National Defense Authorization Act, the Office of the Deputy Under Secretary of Defense (Installations & Environment), U.S. Department of Defense (DoD), proposes to develop a site prioritization protocol for assigning to each defense site (hereinafter, munitions response site) a relative priority for response activities related to unexploded ordnance, discarded military munitions, and munitions constituents. Section 311 lists specific factors to be included in the protocol. DoD is requesting input from interested parties on: (a) These factors; (b) any additional factors to consider in developing a site prioritization protocol; (c) how the proposed protocol should incorporate such factors as they relate to safety and environmental hazards; and (d) recommendations on any existing prioritization methods, models, or tools that should be evaluated.

Timetable:

Action	Date	FR Cite
ANPRM	03/20/02	67 FR 12937
ANPRM Comment Period End	05/20/02	
NPRM	08/22/03	68 FR 50900
NPRM; Correction	09/11/03	68 FR 53532
NPRM Comment Period End	11/20/03	68 FR 50900
Final Action	10/05/05	70 FR 58016
Final Action Effective	10/05/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patricia Ferrebee, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 571–9060

RIN: 0790–AG94

782. DOD GRANT AND AGREEMENT REGULATIONS

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC 113; 31 USC 6101 note; EO 12549; EO 12689

CFR Citation: 32 CFR 21; 32 CFR 22; 32 CFR 25; 32 CFR 32; 32 CFR 33; 32 CFR 34; 32 CFR 37

Legal Deadline: None

Abstract: The Department of Defense (DoD) proposes to amend parts 21, 22, 25, 32, 33, 34, and 37 of the DoD Grant and Agreement Regulations (DoDGARS) to implement four Office of Management and Budget (OMB) policy directives, to conform the DoDGARs with several statutory and regulatory revisions, and to make other administrative changes. The four OMB directives that are being implemented: Require Federal agencies to use a new standard format for announcements of funding opportunities; require Federal agencies to electronically post synopses of those announcements at a Governmentwide Internet site; require Governmentwide use of the Data Universal Numbering System (DUNS) number as the universal identifier for recipient organizations; and amend OMB Circular A-133 to raise the threshold of Federal funding at which recipients must obtain single audits. The statutory and regulatory changes with which the DoDGARs are being conformed concern matters such as nonprocurement debarment and suspension, drug-free workplace requirements for grants, and campus access for military recruiters and Reserve Officer Training Corps.

Timetable:

Action	Date	FR Cite
NPRM	07/28/04	69 FR 44990
NPRM Comment Period End	09/27/04	
Final Action	08/23/05	70 FR 49460
Final Action Effective	09/22/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 588–1377
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RIN: 0790–AH75

783. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 42 USC 289; 42 USC 300v–1(b)

CFR Citation: 32 CFR 219

Legal Deadline: None

Abstract: The agencies listed in this rule are amending the common rule concerning the Federal Policy for the Protection of Human Subjects, which was published in the Federal Register on June 18, 1991 (56 FR 28003), to change all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP); revise a footnote by deleting references to research involving fetuses, pregnant women, or human in vitro fertilization; and revise subpart B of 45 CFR part 46.

Timetable:

Action	Date	FR Cite
Final Action	06/23/05	70 FR 36325
Final Action Effective	06/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Patty Decot, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
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Fax: 703–588–7560
Email: patty.decot@osd.mil

RIN: 0790–AH79

784. • ADMINISTRATION AND SUPPORT OF BASIC RESEARCH BY THE DEPARTMENT OF DEFENSE (DODD 3210.1)

Priority: Substantive, Nonsignificant

Legal Authority: EO 10521; EO 13185

CFR Citation: 32 CFR 272

Legal Deadline: None

Abstract: This rule updates DoD Directive 3210.1 ''Administration and Support of Basic Research by the DoD.'' It will implement current policies in Executive Order 10521 ''Administration of Scientific Research by Agencies of the Federal Government,'' March 17, 1954, as amended, on the support of scientific research, and the guiding principles in Executive Order 13185 ''To Strengthen the Federal Government

University Research Partnership,'' December 28, 2000, for the Government university research partnership. It will provide guidance for DoD Components' Basic Research programs.

Timetable:

Action	Date	FR Cite
Final Action	09/23/05	70 FR 55725
Final Action Effective	09/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Herbst, Department of Defense, Office of the Secretary, 3015 Defense Pentagon, Washington , DC 20301
Phone: 703 588–1377

RIN: 0790–AH90

Department of Defense (DOD) — Proposed Rule Stage

Defense Acquisition Regulations Council (DARC)

785. CONTRACT PRICING (DFARS CASE 2003–D014)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215.4; 48 CFR 252.215; 48 CFR 253.215

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract pricing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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Email: michele.peterson@osd.mil

Related RIN: Merged with 0750–AE10

RIN: 0750–AE71

786. EXCHANGE OR SALE OF GOVERNMENT–OWNED INFORMATION TECHNOLOGY (DFARS CASE 2003–D094)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the exchange or sale of Government-owned information technology.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54697
NPRM Comment Period End	11/15/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE72

787. ACQUISITION PLANNING (DFARS CASE 2003–D044)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to acquisition planning.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54693
NPRM Comment Period End	11/15/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
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RIN: 0750–AE92

788. SMALL BUSINESS PROGRAMS (DFARS CASE 2003–D047)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the participation of small business concerns in DoD acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE93

789. CONTRACT ADMINISTRATION FUNCTIONS (DFARS CASE 2003–D051)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.302

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to contract administration functions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE96

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790. ACQUISITION OF INFORMATION TECHNOLOGY (DFARS CASE 2003–D068)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of information technology.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54698
NPRM Comment Period End	11/15/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE98

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791. REQUIRED SOURCES OF SUPPLIES AND SERVICES (DFARS CASE 2003–D072)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of supplies and services through Government sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF00

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792. SPECIAL CONTRACTING METHODS (DFARS CASE 2003–D079)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 217

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of supplies and services through special contracting methods.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54695
NPRM Comment Period End	11/15/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF02

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793. TYPES OF CONTRACTS (DFARS CASE 2003–D078)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 216

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the types of contracts that may be used in DoD acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54694
NPRM Comment Period End	11/15/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF03

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794. • INFLATION ADJUSTMENT OF ACQUISITION–RELATED THRESHOLDS (DFARS CASE 2004–D022)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–375, sec 807

CFR Citation: 48 CFR 205; 48 CFR 211; 48 CFR 216; 48 CFR 217; 48 CFR 219; 48 CFR 225; 48 CFR 228; 48 CFR 232; 48 CFR 236; 48 CFR 237; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 807 of the National Defense Authorization Act for Fiscal Year 2005. Section 807 provides for an adjustment of acquisition-related thresholds every 5 years.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF16

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795. • RESTRICTION ON CARBON, ALLOY, AND ARMOR STEEL PLATE (DFARS CASE 2005–D002)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–287, sec 8029

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to clarify restrictions on the acquisition of carbon, alloy, and armor steel plate from foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF17

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796. • EARNED VALUE MANAGEMENT SYSTEMS (DFARS CASE 2005–D006)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update requirements for contractor compliance with earned value management system criteria.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF19

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797. • FOREIGN ACQUISITION PROCEDURES (DFARS CASE 2005–D012)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove text containing internal DoD procedures relating to the acquisition of items from foreign sources. This text will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF21

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798. • DEFINITIONS OF COMPONENT AND DOMESTIC MANUFACTURE (DFARS CASE 2005–D010)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to clarify use of the terms ''component'' and ''domestic manufacture'' as they relate to restrictions on the acquisition of items from foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF22

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799. • REPORTS OF GOVERNMENT PROPERTY (DFARS CASE 2005–D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 245; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update requirements for contractor reporting of government property in the contractor's possession. DoD contractors will be required to provide item unique identification (IUID) information electronically in the IUID Registry.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
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RIN: 0750–AF24

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)

Final Rule Stage

800. INCREMENTAL FUNDING, FIXED–PRICE CONTRACTS (DFARS CASE 1990–037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.7; 48 CFR 252.232

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to permit the use of incremental funding of fixed-price contracts in certain situations.

Timetable:

Action	Date	FR Cite
Case Opened	09/26/90	
Interim Final Rule	09/01/93	58 FR 46091
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

Related RIN: Previously reported as 0790–AE42

RIN: 0750–AA07

801. PATENT RIGHTS—OWNERSHIP BY THE CONTRACTOR (LARGE BUSINESS) (DFARS CASE 2001–D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 227.3; 48 CFR 252.227

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add a contract clause on patent rights to replace a FAR clause that has been proposed for deletion.

Timetable:

Action	Date	FR Cite
NPRM	09/30/04	69 FR 58377
NPRM Comment Period End	11/01/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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Email: michele.peterson@osd.mil

RIN: 0750–AD72

802. APPROVAL OF SERVICE CONTRACTS AND TASK ORDERS (DFARS CASE 2002–D024)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–107, sec 801(b); PL 108–375, sec 854

CFR Citation: 48 CFR 207.105; 48 CFR 208.404; 48 CFR 217.78; 48 CFR 237.170

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 801(b) of the Fiscal Year 2002 National Defense Authorization Act. Section 801(b) requires DoD to establish and implement a management structure for the procurement of services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56563
Interim Final Rule Comment Period End	12/01/03	
Interim Final Rule	05/24/05	70 FR 29640
Interim Final Rule Comment Period End	07/25/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AD81

803. CONTRACT PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS (DFARS CASE 2003–D097)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 843

CFR Citation: 48 CFR 216.501–2; 48 CFR 217.204

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 843 of the Fiscal Year 2004 National Defense Authorization Act. Section 843 provides that a task or delivery order contract awarded under the authority of 10 U.S.C. 2304a may cover a total period of not more than 5 years.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/23/04	69 FR 13478
Interim Final Rule Comment Period End	05/24/04	
Interim Final Rule	12/15/04	69 FR 74992
Interim Final Rule Comment Period End	02/14/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
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RIN: 0750–AE25

804. THRESHOLD FOR SMALL BUSINESS SPECIALIST REVIEW (DFARS CASE 2003–D060)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 219.201

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Eliminates requirements for small business specialists to review proposed acquisitions that are (1) within the

scope and under the terms of the existing contract or (2) under $100,000 and totally set aside for small business concerns. Also proposes to relocate text addressing the functions of small business specialists to a new DFARS companion resource, Procedures, Guidance, and Information (PGI).

Timetable:

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21997
NPRM Comment Period End	06/22/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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Email: michele.peterson@osd.mil

RIN: 0750–AE30

805. CONSOLIDATION OF CONTRACT REQUIREMENTS (DFARS CASE 2003–D109)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 801; 10 USC 2382

CFR Citation: 48 CFR 207.170; 48 CFR 219.201

Legal Deadline: Other, Statutory, May 23, 2004, Applies to solicitations issued after 05/22/2004.

Abstract: Amends the Defense FAR Supplement to place restrictions on consolidating two or more separate requirements into a single solicitation and contract. Requires agencies to include the following in acquisition strategies that involve consolidation of requirements exceeding $5,000,000: (1) The results of market research; (2) any alternatives that would involve a lesser degree of consolidation; and (3) a determination by the senior procurement executive that the consolidation is necessary and justified. This change implements section 801 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ensure that decisions regarding consolidation of requirements are made with a view toward providing maximum practicable opportunity for small business concerns to participate in DoD procurements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55986
Interim Final Rule Comment Period End	11/16/04	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

Agency Contact: Michele P. Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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Email: michele.peterson@osd.mil

RIN: 0750–AE48

806. TRANSITION OF WEAPONS–RELATED PROTOTYPE PROJECTS TO FOLLOW–ON CONTRACTS (DFARS CASE 2003–D106)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 847

CFR Citation: 48 CFR 212.212; 48 CFR 212.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to establish a pilot program that permits contracting officers to use FAR part 12 (Acquisition of Commercial Items) procedures to award follow-on contracts for the production of items begun as prototype projects under other transaction agreements. The follow-on contract must be awarded to a nontraditional defense contractor; must not exceed $50,000,000; must be either firm-fixed-price or fixed-price with economic price adjustment; and must be awarded on or before September 30, 2008. This change implements section 847 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ease the transition of nontraditional defense contractors from prototype transactions to standard contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/04	69 FR 63329
Interim Final Rule Comment Period End	01/03/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE49

807. FREE TRADE AGREEMENTS—AUSTRALIA AND MOROCCO (DFARS CASE 2004–D013)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–286; PL 108–302

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement new Free Trade Agreements with Australia and Morocco. The Free Trade Agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Australia and Morocco, and specify procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/05	70 FR 2361
Interim Final Rule Comment Period End	03/14/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE59

808. SPECIALIZED SERVICE CONTRACTING (DFARS CASE 2003–D041)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 237.70; 48 CFR 237.71; 48 CFR 252.237

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of mortuary and laundry and dry cleaning services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8563
NPRM Comment Period End	04/25/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE62

809. ACQUISITION OF TELECOMMUNICATIONS SERVICES (DFARS CASE 2003–D055)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of telecommunications services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8564
NPRM Comment Period End	04/25/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE63

810. UTILITY RATES ESTABLISHED BY REGULATORY BODIES (DFARS CASE 2003–D096)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 241.201; 48 CFR 241.501

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to utility rates established by independent and nonindependent regulatory bodies.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8565
NPRM Comment Period End	04/25/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE64

811. ACQUISITION OF UTILITY SERVICES (DFARS CASE 2003–D069)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 241

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of utility services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8566
NPRM Comment Period End	04/25/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE65

812. EXTRAORDINARY CONTRACTUAL ACTIONS (DFARS CASE 2003–D048)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 250

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the processing of requests for extraordinary contract adjustments.

Timetable:

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6393
NPRM Comment Period End	04/08/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE66

813. UPDATE OF CLAUSES FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003–D053)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74; 48 CFR 252.239

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of telecommunications services.

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67885
NPRM Comment Period End	01/21/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE67

814. INFORMATION TECHNOLOGY EQUIPMENT—SCREENING OF GOVERNMENT INVENTORY (DFARS CASE 2003–D054)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.73

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to procedures for screening of Government inventory before authorizing a contractor to purchase information technology equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67884
NPRM Comment Period End	01/21/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE68

815. BASIC AGREEMENTS FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003–D056)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 239.74

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of basic agreements in the acquisition of telecommunications services.

Timetable:

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67883
NPRM Comment Period End	01/21/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE69

816. FOREIGN ACQUISITION (DFARS CASE 2003–D008)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225; 48 CFR 252.225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to the acquisition of supplies and services from foreign sources.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14625
NPRM Comment Period End	05/23/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE70

817. MATERIAL INSPECTION AND RECEIVING REPORT (DFARS CASE 2003–D085)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR ch 2, app F

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to the use of material inspection and receiving reports for items delivered under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39975
NPRM Comment Period End	09/12/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE73

818. MICRO–PURCHASES NOT USING THE GOVERNMENTWIDE PURCHASE CARD (DFARS CASE 2003–D059)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 213.270

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to use of the Governmentwide commercial purchase card for actions at or below the micro-purchase threshold.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19041
NPRM Comment Period End	06/13/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE74

819. SIMPLIFIED ACQUISITION PROCEDURES (DFARS CASE 2003–D075)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 213; 48 CFR 253.213

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of simplified acquisition procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19042
NPRM Comment Period End	06/13/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE75

820. UNIFORM CONTRACT LINE ITEM NUMBERING (DFARS CASE 2003–D082)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.71

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to requirements for uniform contract line item numbering.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19036
NPRM Comment Period End	06/13/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE76

821. ADMINISTRATIVE MATTERS (DFARS CASE 2003–D084)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.1; 48 CFR 204.4; 48 CFR 204.9

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to administrative aspects of contract execution.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19037
NPRM Comment Period End	06/13/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE77

822. CONTRACT FINANCING (DFARS CASE 2003–D043)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract financing and payment.

Timetable:

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23827
NPRM Comment Period End	07/05/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE78

823. BUSINESS RESTRUCTURING COSTS (DFARS CASE 2004–D026)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2325

CFR Citation: 48 CFR 231.205–70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 819 of the National Defense Authorization Act for Fiscal Year 2005. Section 819 lowers the approval level for determinations relating to payment of restructuring costs to DoD contractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43074
Interim Final Rule Comment Period End	09/26/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE79

824. DOD PILOT MENTOR–PROTéGé PROGRAM (DFARS CASE 2004–D028)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–375, sec 841; PL 108–375, sec 842

CFR Citation: 48 CFR 219.71; 48 CFR ch 2, app I

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement sections 841 and 842 of the National Defense Authorization Act for Fiscal Year 2005. Section 841 provides for a 5-year extension of the DoD Pilot Mentor-Protégé Program. Section 842 expands the program to include service-disabled veteran-owned small business concerns and HUBZone small business concerns.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/05	70 FR 29644
Interim Final Rule Comment Period End	07/25/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AE80

825. SOLE SOURCE AWARD OF 8(A) CONTRACTS TO NATIVE HAWAIIAN–OWNED SMALL BUSINESS CONCERNS (DFARS CASE 2004–D031)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–287, sec 8021

CFR Citation: 48 CFR 219.805

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 8021 of the DoD Appropriations Act for Fiscal Year 2005. Section 8021 permits sole source awards to Native Hawaiian small business concerns under the 8(a) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43072
Interim Final Rule Comment Period End	09/26/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AE81

826. INCENTIVE PROGRAM FOR USE OF DOMESTIC MACHINE TOOLS AND OTHER CAPITAL ASSETS (DFARS CASE 2005–D003)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 822

CFR Citation: 48 CFR 215; 48 CFR 216

Legal Deadline: Other, Statutory, May 24, 2005, Interim Final.
Final, Statutory, February 18, 2006.

Abstract: Amends the Defense FAR Supplement to implement section 822 of the National Defense Authorization Act for Fiscal Year 2004. Section 822 requires DoD to establish incentives for DoD contractors to purchase capital assets manufactured in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/05	70 FR 29643
Interim Final Rule Comment Period End	07/25/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AE83

827. QUALITY ASSURANCE (DFARS CASE 2003–D027)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29710
NPRM Comment Period End	07/25/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE85

828. SUBCONTRACTING POLICIES AND PROCEDURES (DFARS CASE 2003–D025)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 244.3; 48 CFR 252.244–7000

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to subcontracts awarded under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19044
NPRM Comment Period End	06/13/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE86

829. CONTRACT MODIFICATIONS (DFARS CASE 2003–D024)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 243.1; 48 CFR 243.2

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to contract modifications.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14629
NPRM Comment Period End	05/23/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE87

830. SOCIOECONOMIC PROGRAMS (DFARS CASE 2003–D029)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 226

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to socioeconomic considerations in DoD contracting.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19038
NPRM Comment Period End	06/13/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE88

831. TRANSPORTATION (DFARS CASE 2003–D028)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 247

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to transportation requirements under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43109
NPRM Comment Period End	09/26/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE89

832. ENVIRONMENT, OCCUPATIONAL SAFETY, AND DRUG–FREE WORKPLACE (DFARS CASE 2003–D039)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to environmental and safety matters under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19039
NPRM Comment Period End	06/13/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE90

833. CONSTRUCTION CONTRACTING (DFARS CASE 2003–D034)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 236.1; 48 CFR 236.2

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35605
NPRM Comment Period End	08/22/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE91

834. CONTRACT TERMINATION (DFARS CASE 2003–D046)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 249

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract termination matters.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39980
NPRM Comment Period End	09/12/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AE94

835. AUTHORIZATION FOR CONTINUED CONTRACTS (DFARS CASE 2003–D052)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.7001

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement a recommendation resulting from the DFARS Transformation Initiative that would authorize the issuance of a ''mirror contract'' when performance under the original contract number is no longer possible solely for administrative reasons.

Timetable:

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23826
NPRM Comment Period End	07/05/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE95

836. CONTRACTOR INSURANCE/PENSION REVIEWS (DFARS CASE 2003–D050)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.73

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the conduct of contractor insurance/pension reviews.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35606
NPRM Comment Period End	08/22/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE97

837. DESCRIBING AGENCY NEEDS (DFARS CASE 2003–D073)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 211

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the use of requirements documents in DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35602
NPRM Comment Period End	08/22/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AE99

838. COMPONENT BREAKOUT (DFARS CASE 2003–D071)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207.105; 48 CFR app D

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the breakout of components of end items for future acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14623
NPRM Comment Period End	05/23/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF01

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839. CONTRACTING BY NEGOTIATION (DFARS CASE 2003–D077)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to DoD negotiated acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14624
NPRM Comment Period End	05/23/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF04

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840. CONTRACT ADMINISTRATION (DFARS CASE 2003–D023)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242; 48 CFR 252.242–7000; 48 CFR 252.242–7004

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to DoD contract administration and audit services.

Timetable:

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19043
NPRM Comment Period End	06/13/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF05

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841. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS (DFARS CASE 2003–D019)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to requirements for compliance with labor laws under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39978
NPRM Comment Period End	09/12/05	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF06

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842. COMPETITION REQUIREMENTS FOR FEDERAL SUPPLY SCHEDULES AND MULTIPLE AWARD CONTRACTS (DFARS CASE 2004–D009)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 208.4; 48 CFR 216.5

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to strengthen requirements for competition in the placement of orders under Federal Supply Schedules and multiple award contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/02/05	70 FR 32280
NPRM Comment Period End	08/01/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF08

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843. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS (DFARS CASE 2004–D021)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2383

CFR Citation: 48 CFR 207.5

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 804

of the National Defense Authorization Act for Fiscal Year 2005. Section 804 places limitations on the award of contracts for the performance of acquisition functions closely associated with inherently governmental functions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/23/05	70 FR 14572
Interim Final Rule Comment Period End	05/23/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AF09

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844. • COMBATING TRAFFICKING IN PERSONS (DFARS CASE 2004–D017)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 212.301; 48 CFR 225.74; 48 CFR 252.225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement DoD policy prohibiting contractor employees from supporting or promoting trafficking in persons.

Timetable:

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35603
NPRM Comment Period End	08/22/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF11

845. • NOTIFICATION REQUIREMENTS FOR CRITICAL SAFETY ITEMS (DFARS CASE 2004–D008)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–87, sec 8143

CFR Citation: 48 CFR 246; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add a contract clause requiring contractors to promptly notify the Government of any nonconformance or deficiency that could impact item safety.

Timetable:

Action	Date	FR Cite
NPRM	08/01/05	70 FR 44077
NPRM Comment Period End	09/30/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF12

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846. • EXPORT–CONTROLLED INFORMATION AND TECHNOLOGY (DFARS CASE 2004–D010)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204; 48 CFR 235; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address requirements for preventing unauthorized disclosure of export-controlled information and technology under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39976
NPRM Comment Period End	09/12/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF13

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847. • LEVY ON PAYMENTS TO CONTRACTORS (DFARS CASE 2004–D033)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address the effect of Internal Revenue Service levies on contract payments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52031
Interim Final Rule Effective	09/01/05	
Interim Final Rule Comment Period End	10/31/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF14

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848. • PROHIBITION OF FOREIGN TAXATION ON U.S. ASSISTANCE PROGRAMS (DFARS CASE 2004–D012)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–7, sec 579 ; PL 108–199, sec 506

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement section 579 of Division E of the Consolidated Appropriations Act, 2003, as amended by section 506 of Division

D of the Consolidated Appropriations Act, 2004. These statutes provide that commodities financed under U.S. assistance programs shall be exempt from taxation by the foreign government. This DFARS amendment includes a contract clause requiring the contractor to notify the contracting officer if a foreign government inappropriately imposes taxes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/05	70 FR 57191
Interim Final Rule Effective	09/30/05	
Interim Final Rule Comment Period End	11/29/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF15

849. • CONTRACT REPORTING (DFARS CASE 2005–D004)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204; 48 CFR 253

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update requirements for reporting contract actions in the Defense Contract Action Data System.

Timetable:

Action	Date	FR Cite
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
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RIN: 0750–AF18

850. • TRAINING FOR CONTRACTOR PERSONNEL INTERACTING WITH DETAINEES (DFARS CASE 2005–D007)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–375, sec 1092

CFR Citation: 48 CFR 237; 48 CFR 252

Legal Deadline: Final, Statutory, March 27, 2005, Prescription of implementing policies.

Abstract: Amends the Defense FAR Supplement to implement section 1092 of the National Defense Authorization Act for Fiscal Year 2005. Section 1092 requires that DoD contractor personnel who interact with detainees receive training regarding the applicable international obligations and laws of the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52032
Interim Final Rule Effective	09/01/05	
Interim Final Rule Comment Period End	10/31/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AF20

851. • BUY AMERICAN ACT EXEMPTION FOR COMMERCIAL INFORMATION TECHNOLOGY (DFARS CASE 2005–D011)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–447, sec 517

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 517 of Division H of the Consolidated Appropriations Act, 2005. Section 517 authorizes an exemption from the Buy American Act for information technology that is a commercial item.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AF23

Department of Defense (DOD) — Long-Term Actions

Defense Acquisition Regulations Council (DARC)

852. CODIFICATION AND MODIFICATION OF BERRY AMENDMENT (DFARS CASE 2002–D002)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.7002; 48 CFR 252.212–7001; 48 CFR 252.225–7012

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/02	67 FR 20697
Interim Final Rule Comment Period End	06/25/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AD76

853. PURCHASE CARD INTERNAL CONTROLS (DFARS CASE 2002–D025)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 213.3

Timetable:

Action	Date	FR Cite
NPRM	12/20/02	67 FR 77955
NPRM Comment Period End	02/18/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 0750–AD87

854. PROTESTS, DISPUTES, AND APPEALS (DFARS CASE 2003–D010)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 233

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson
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RIN: 0750–AE01

855. ACQUISITION OF BALL AND ROLLER BEARINGS (DFARS CASE 2003–D021)

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.70; 48 CFR 252.225–7016

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8560
NPRM Comment Period End	04/25/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 0750–AE60

Department of Defense (DOD)
Defense Acquisition Regulations Council (DARC)

Completed Actions

856. UNIQUE ITEM IDENTIFICATION AND PROPERTY VALUATION (DFARS CASE 2003–D081)

Priority: Other Significant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.7104; 48 CFR 211.2; 48 CFR 212.301; 48 CFR 252.211

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add requirements for DoD contractors to provide unique identification for property items delivered to DoD, through the use of item identification marking. In addition, this change adds requirements for DoD contracts to identify the acquisition cost of all items built or acquired by the contractor and subsequently delivered to DoD under the contract. This change will improve management of DoD assets.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/10/03	68 FR 58631
Interim Final Rule Comment Period End	11/10/03	
Final Action	04/22/05	70 FR 20831
Final Action Effective	04/22/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE09

857. COST ACCOUNTING STANDARDS (DFARS CASE 2003–D015)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 230

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to Cost Accounting Standards.

Timetable:

Action	Date	FR Cite
Case Opened	07/01/03	
Merged With	07/27/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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Related RIN: Merged with 0750–AE71

RIN: 0750–AE10

858. CENTRAL CONTRACTOR REGISTRATION (DFARS CASE 2003–D040)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204; 48 CFR 212.3; 48 CFR 213.1; 48 CFR 252.204

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to remove Central Contractor Registration (CCR)

requirements, since CCR requirements have been incorporated into the FAR.

Timetable:

Action	Date	FR Cite
Case Opened	07/28/03	
Interim Final Rule	11/14/03	68 FR 64557
Interim Final Rule Comment Period End	01/13/04	
Final Action	09/30/05	70 FR 57188
Final Action Effective	09/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE11

859. GEOGRAPHIC USE OF THE TERM "UNITED STATES" (DFARS CASE 2001–D003)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204; 48 CFR 208; 48 CFR 209; 48 CFR 212; 48 CFR 213; 48 CFR 215; 48 CFR 219; 48 CFR 252; . . .

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to standardize the use of geographic terms, in accordance with definitions found in the FAR.

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65121
NPRM Comment Period End	01/10/05	
Final Action	06/21/05	70 FR 35543
Final Action Effective	06/21/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750–AE12

860. PAYMENT AND BILLING INSTRUCTIONS (DFARS CASE 2003–D009)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.2; 48 CFR 204.71; 48 CFR 252.204; 48 CFR app F

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Eliminates the need for non-standard local payment clauses by providing a menu of standard payment instructions from which the contracting officer will make a selection for inclusion in section G of the contract. Adds a clause addressing contract line item information needed in contract financing and interim payment requests and amends Material Inspection and Receiving Report instructions to address electronic submissions.

Timetable:

Action	Date	FR Cite
NPRM	06/25/04	69 FR 35564
NPRM Comment Period End	08/24/04	
Final Action	10/11/05	70 FR 58980
Final Action Effective	10/11/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE34

861. MAJOR SYSTEMS ACQUISITION (DFARS CASE 2003–D030)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 234.0; 48 CFR 242.11; 48 CFR 252.234; 48 CFR 252.242

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Updates text pertaining to major systems acquisition, earned value management systems, and cost/schedule status reporting.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8155
NPRM Comment Period End	04/23/04	
Final Action	03/23/05	70 FR 14574
Final Action Effective	03/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

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RIN: 0750–AE35

862. CONTRACTORS ACCOMPANYING A FORCE DEPLOYED (DFARS CASE 2003–D087)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 207; 48 CFR 212; 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add policy for contracts that require contractor employees to accompany a force engaged in contingency, humanitarian, peacekeeping, or combat operations outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/23/04	69 FR 13500

Action	Date	FR Cite
NPRM Comment Period End	05/24/04	
Final Action	05/05/05	70 FR 23790
Final Action Effective	06/06/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE42

863. REPORTING CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES (DFARS CASE 2004–D001)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.72; 48 CFR 252.225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Clarifies requirements for contractor reporting of performance outside the United States and establishes two separate clauses to eliminate confusion between two reporting requirements presently contained in one clause.

Timetable:

Action	Date	FR Cite
NPRM	06/08/04	69 FR 31939
NPRM Comment Period End	08/09/04	
Final Action	04/22/05	70 FR 20838
Final Action Effective	04/22/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE46

864. PERSONAL SERVICES CONTRACTS (DFARS CASE 2003–D103)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 721; 10 USC 1091(a)(2); PL 108–136, sec 841; 10 USC 129b

CFR Citation: 48 CFR 237.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to authorize the use of personal services contracts for health care at locations outside of medical treatment facilities (such as military entrance processing stations) and for services that are to be performed outside the United States or that directly support the mission of a DoD intelligence or counter-intelligence organization or the special operations command. This change implements sections 721 and 841 of the National Defense Authorization Act for Fiscal Year 2004 and enables the award of contracts for specialized services that would be impractical for DoD to obtain by other means.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55991
Interim Final Rule Comment Period End	11/16/04	
Final Action	04/12/05	70 FR 19003
Final Action Effective	04/12/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE50

865. QUALITY CONTROL OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES (DFARS CASE 2003–D101)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108–136, sec 802

CFR Citation: 48 CFR 209.270; 48 CFR 217.75; 48 CFR 246.407; 48 CFR 246.504

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to establish requirements for quality control in the procurement of aviation critical safety items and the modification, repair, and overhaul of those items. Specifies that the design control activity is responsible for qualifying and identifying aviation critical safety item suppliers and products. This change implements section 802 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ensure flight safety.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55987
Interim Final Rule Comment Period End	11/16/04	
Final Action	09/30/05	70 FR 57188
Final Action Effective	09/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/dpap/dfars/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

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RIN: 0750–AE51

866. RADIO FREQUENCY IDENTIFICATION (DFARS CASE 2004–D011)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 211; 48 CFR 212; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add requirements for contractors to affix passive radio frequency identification tags to the exterior packaging of certain items to be delivered to certain DoD locations. The change will improve visibility of DoD assets in the supply chain, increase the accuracy of shipment and receipt data, and reduce the amount of time it takes to deliver material to the warfighter.

Timetable:

Action	Date	FR Cite
NPRM	04/21/05	70 FR 20726
NPRM Comment Period End	06/27/05	70 FR 21729
Final Action	09/13/05	70 FR 53955
Final Action Effective	11/14/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information: www.acq.osd.mil/log/rfid/index.htm

URL For Public Comments: emissary.acq.osd.mil/dar/dfars.nsf

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311

RIN: 0750–AE55

867. PROVISION OF INFORMATION TO COOPERATIVE AGREEMENT HOLDERS (DFARS CASE 2004–D025)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2416(d)

CFR Citation: 48 CFR 205.470

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to increase, from $500,000 to $1,000,000, the threshold at which DoD contracts must include a requirement for the contractor to provide to cooperative agreement holders, upon their request, a list of the contractor's employees who are responsible for entering into subcontracts. Implements section 816 of the National Defense Authorization Act for Fiscal Year 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/22/05	70 FR 8536
Interim Final Rule Comment Period End	04/25/05	
Final Action	09/16/05	70 FR 54651
Final Action Effective	09/16/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE58

868. ADVISORY AND ASSISTANCE SERVICES (DFARS CASE 2003–D042)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 237.2

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of advisory and assistance services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8562
NPRM Comment Period End	04/25/05	
Final Action	09/30/05	70 FR 57193
Final Action Effective	09/30/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE61

869. RESTRICTIONS ON TOTALLY ENCLOSED LIFEBOAT SURVIVAL SYSTEMS (DFARS CASE 2004–D034)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103–139, sec 8124; PL 103–335, sec 8093; 10 USC 2534

CFR Citation: 48 CFR 225.7008; 48 CFR 252.225–7039

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to remove text addressing restrictions on the acquisition of totally enclosed lifeboat survival systems. The text being removed addresses 1994 and 1995 appropriations act restrictions that are no longer considered applicable and other statutory restrictions that apply only to the Navy.

Timetable:

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14628
NPRM Comment Period End	05/23/05	
Final Action	09/01/05	70 FR 52030
Final Action Effective	09/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE82

870. BERRY AMENDMENT MEMORANDA (DFARS CASE 2004–D035)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2533a

CFR Citation: 48 CFR 225.7002

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement DoD policy memoranda on determinations regarding the nonavailability of domestic supplies.

Timetable:

Action	Date	FR Cite
Final Action	07/26/05	70 FR 43073
Final Action Effective	07/26/05	

Regulatory Flexibility Analysis Required: No

DOD—DARC

Completed Actions

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AE84

871. ASSIGNMENT OF CONTRACT ADMINISTRATION FUNCTIONS (DFARS CASE 2004–D007)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 242.202

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to add the Defense Energy Support Center to the list of DoD activities authorized to perform contract administration functions at or near a contractor's facilities.

Timetable:

Action	Date	FR Cite
Final Action	09/01/05	70 FR 52034
Final Action Effective	09/01/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF07

872. MULTIYEAR CONTRACTING (DFARS CASE 2004–D024)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2306b; 10 USC 2306c; PL 108–287, sec 8008

CFR Citation: 48 CFR 217.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 8008 of the Defense Appropriations Act for Fiscal Year 2005 and section 814 of the National Defense Authorization Act for Fiscal Year 2005. Sections 8008 and 814 establish new requirements related to the funding of multiyear contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/05	70 FR 24323
Interim Final Rule Comment Period End	07/08/05	
Final Action	09/16/05	70 FR 54651
Final Action Effective	09/16/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0311
Email: michele.peterson@osd.mil

RIN: 0750–AF10

Department of Defense (DOD)
Department of the Army (DOA)

Final Rule Stage

873. THE FREEDOM OF INFORMATION ACT PROGRAM

Priority: Other Significant

Legal Authority: 5 USC 551, 552, 552a, 5101 to 5108, 5110 to 5113, 5115, 5332 to 5334, 5341 to 5342, 5504 to 5509, 7154; 10 USC 130, 1102, 2320 to 2321, 2328; 18 USC 798, 3500; 31 USC 3710; 35 USC 181 to 188; 42 USC 2162; 44 USC 33; E.O. 12600

CFR Citation: 32 CFR 518

Legal Deadline: None

Abstract: This proposed rule updates the provisions for access and release of information from all Army information systems (automated and manual) in support of the Freedom of Information Act as required by public law.

Timetable:

Action	Date	FR Cite
NPRM	12/28/04	69 FR 77836
NPRM Comment Period End	02/28/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
Phone: 703 428–6422
Fax: 703 428–6514
Email: brenda.bowen@rmda.belvoir.army.mil

RIN: 0702–AA45

874. • OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 12 USC 3401 et seq; PL 95–630

CFR Citation: 32 CFR 504

Legal Deadline: None

Abstract: This proposed rule prescribes policies for the Department of the Army to obtain information on a customer's financial records from financial institutions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/05	70 FR 42012
NPRM Comment Period End	09/19/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
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RIN: 0702–AA49

875. • ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF–INSTALLATION LIAISON AND OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 3012(b)(1)(g)

CFR Citation: 32 CFR 631

Legal Deadline: None

Abstract: This proposed rule prescribes uniform policies and procedures for the establishment and operation of Armed Forces Disciplinary Control Boards, and off-installation liaison and operations.

Timetable:

Action	Date	FR Cite
NPRM	07/20/05	70 FR 41641
NPRM Comment Period End	09/19/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
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RIN: 0702–AA50

876. • PERSONNEL REVIEW BOARD

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1552, 1553, 1554, 3013, 3014, 3016; 38 USC 3103(a)

CFR Citation: 32 CFR 581

Legal Deadline: None

Abstract: The Department of the Army is amending its regulation on Army Board for Correction of Military Records to be in compliance with the United States District Court for the District of Columbia decision (Daniel J. Lipsman v. Secretary of the Army—Civil Action No. 02-0151 (RMU), Document Nos. 18, 20, decided September 7, 2004, 2004 U.S. Dist. LEXIS 17866).

Timetable:

Action	Date	FR Cite
NPRM	08/03/05	70 FR 44536
NPRM Comment Period End	09/02/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
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RIN: 0702–AA51

Department of Defense (DOD)
Department of the Army (DOA)

Long-Term Actions

877. FOREIGN ACQUISITION

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 48 CFR 5125

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66738
Interim Final Rule Comment Period End	01/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen
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brenda.bowen@rmda.belvoir.army.mil

Related RIN: Related to 0702–AA39

RIN: 0702–AA38

878. SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 48 CFR 5152

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66740
Interim Final Rule Comment Period End	01/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen
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Related RIN: Related to 0702–AA38

RIN: 0702–AA39

879. DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Priority: Substantive, Nonsignificant

CFR Citation: 32 CFR 578

Timetable:

Action	Date	FR Cite
NPRM	07/28/04	69 FR 45114
NPRM Comment Period End	09/27/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Brenda S. Bowen
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RIN: 0702–AA41

Department of Defense (DOD)
Department of the Army (DOA)

Completed Actions

880. MOTOR VEHICLE TRAFFIC SUPERVISION

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 30112(g); 5 USC 2951; PL 89–564; 89–670; 91–605; 93–87

CFR Citation: 32 CFR 634

Legal Deadline: None

Abstract: This rule prescribes policies and procedures on motor vehicle traffic supervision on military installations in the continental United States and overseas areas, including registration of privately owned vehicles; granting, suspending, or revoking the privilege to operate a privately owned vehicle on a military installation; administration of the vehicle registration program; driver improvement programs; police traffic supervision; an off-installation traffic activities.

Timetable:

Action	Date	FR Cite
NPRM	12/21/04	69 FR 76526
NPRM Comment Period End	02/22/05	
Final Action	04/12/05	70 FR 18969
Final Action Effective	05/12/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
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Email: brenda.bowen@rmda.belvoir.army.mil

RIN: 0702–AA43

881. MILITARY POLICE INVESTIGATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 534 note; 42 USC 10601; 18 USC 922; 42 USC 14071; 10 USC 1562; 10 USC ch 47

CFR Citation: 32 CFR 637

Legal Deadline: None

Abstract: This rule prescribes policies and procedures on types and categories of offenses investigated by Military Police and DA Civilian detectives/investigators.

Timetable:

Action	Date	FR Cite
NPRM	12/16/04	69 FR 75287
NPRM Comment Period End	02/14/05	
Final Action	06/22/05	70 FR 36028
Final Action Effective	07/22/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
Phone: 703 428–6422
Fax: 703 428–6514
Email: brenda.bowen@rmda.belvoir.army.mil

RIN: 0702–AA44

882. • PERSONAL CHECK CASHING CONTROL AND ABUSE PREVENTION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5511 to 5512; 37 USC 1007; 18 USC 1382; Articles 123a, 133, and 134, Uniform Code of Military Justice (UCMJ)

CFR Citation: 32 CFR 527

Legal Deadline: None

Abstract: This action removes 32 CFR part 527 published in the Federal Register, May 27, 1988 (53 FR 19286). The rule is being removed because it is obsolete and no longer governs policies to control and prevent abuse of check-cashing privileges on Army installations. The program responsibility has been transferred to the Office of the Comptroller of the Department of Defense.

Timetable:

Action	Date	FR Cite
Withdrawn	04/11/05	70 FR 18301

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: AHRC–PDD–R, 7701 Telegraph Road, Alexandria, VA 22315–3860
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Fax: 703 428–6514
Email: brenda.bowen@rmda.belvoir.army.mil

RIN: 0702–AA48

Department of Defense (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

883. REGULATORY PROGRAM OF THE ARMY CORPS OF ENGINEERS AND HISTORIC PROPERTIES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325

Legal Deadline: None

Abstract: In 1990, the Corps published its final regulations regarding the protection of historic properties and compliance with the National Historic Preservation Act (NHPA) and other historic preservation laws. Since those final regulations were published, the NHPA was amended in 1992, and the Advisory Council on Historic Preservation's implementing regulations at 36 CFR part 800 have been substantially revised. The Corps will revise its regulations to conform to the NHPA's revised implementing regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/04	69 FR 57662
ANPRM Comment Period End	11/26/04	
NPRM	03/00/06	
NPRM Comment Period End	05/00/06	
Final Action	01/00/07	
Final Action Effective	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Margaret Gaffney–Smith, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW–CO, 441 G Street NW, Washington, DC 20314
Phone: 202 761–4229

RIN: 0710–AA51

884. COMPENSATORY MITIGATION FOR LOSSES OF AQUATIC RESOURCES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1344; PL 108–136; 33 USC 401; 33 USC 403

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, November 24, 2005.
Public Law 108-136 requires that the final regulations be issued no later than two years after the enactment of the Act.

Abstract: Section 314(b) of the National Defense Authorization Act of 2004 (Pub. L. 108-136) requires the Secretary of the Army, acting through the Chief of Engineers, to issue regulations establishing performance standards and criteria for on-site, off-site, and in lieu fee mitigation and mitigation banking consistent with section 404 of the Clean Water Act. The requirements and standards in the regulations will improve the quality and performance of compensatory mitigation in replacing aquatic resource functions lost as a result of activities authorized by Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	
Final Action	05/00/06	
Final Action Effective	07/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: David B. Olson, Regulatory Program Manager, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW–MVD (3G81), 441 G Street NW, Washington, DC 20314–1000
Phone: 202 761–4922
Email: david.b.olson@hq02.usace.army.mil

RIN: 0710–AA55

885. • NAVIGATION REGULATIONS—BONNEVILLE LOCK AND DAM

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 40 Stat 266; 33 USC 1

CFR Citation: 33 CFR 207.718

Legal Deadline: None

Abstract: The Corps is proposing to amend the regulations for lockage operations at Bonneville Lock and Dam and amend the regulations that establish the restricted areas at Little Goose Lock and Dam. The Corps is making corrections and adjustments to the lockage control, signals, and permissible dimensions of vessels for Bonneville Lock and Dam. These changes correct language for the new replacement lock. For the Little Goose Lock and Dam the Corps is making adjustments in the upstream channel restricted area boundary to provide a small craft portage route around the lock and dam along the north shoreline. This reduces interference between fisherman and the boat ramp.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	
Final Action	05/00/06	
Final Action Effective	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Ken Hall, Department of Defense, U.S. Army Corps of Engineers, CECW–NWD, 441 G Street NW, Washington, DC 20314
Phone: 202 761–4717

RIN: 0710–AA63

Department of Defense (DOD) — Final Rule Stage
U.S. Army Corps of Engineers (COE)

886. NATIONWIDE PERMIT PROGRAM REGULATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1344; 33 USC 401 et seq; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps will propose to revise its Nationwide Permit Program regulations at 33 CFR part 330 to address changes in regulatory procedures and policy that have occurred since those regulations were last revised in 1991. The Corps will propose to revise the regulation to increase the pre-construction notification review period to 45 days, to be consistent with the current nationwide permits. The Corps is also proposing to amend the regulation to allow district engineers to issue verification letters that can have the same expiration date as the nationwide permit.

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69563
NPRM Comment Period End	01/31/05	
Final Action	11/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Energy Effects: Statement of Energy Effects planned as required by Executive Order 13211.

Agency Contact: David B. Olson, Regulatory Program Manager,

DOD—COE

Final Rule Stage

Department of Defense, U.S. Army Corps of Engineers, CECW–MVD (3G81), 441 G Street NW, Washington, DC 20314–1000
Phone: 202 761–4922
Email: david.b.olson@hq02.usace.army.mil

RIN: 0710–AA60

887. • NAVIGATION REGULATIONS—LAKE WASHINGTON SHIP CANAL

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: Not Yet Determined

CFR Citation: 33 CFR 207.750

Legal Deadline: None

Abstract: The U.S. Army Corps of Engineers is proposing to establish a procedure for modifying schedule operational hours at Lake Washington Ship Canal, Hiram H. Chittenden Locks in Seattle, Washington. This procedure would allow the operations manager of the locks to change the scheduled operational hours of the locks providing a 30-day notice and public comment period for any proposed change.

Timetable:

Action	Date	FR Cite
NPRM	05/25/05	70 FR 30042
NPRM Comment Period End	07/25/05	
Final Action	11/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Kidby, Department of Defense, U.S. Army Corps of Engineers, Attn: CECW–CO, 441 G Street NW, Washington, DC 20314
Phone: 202 761–0250

RIN: 0710–AA62

Department of Defense (DOD)
U.S. Army Corps of Engineers (COE)

Long-Term Actions

888. ENVIRONMENTAL QUALITY; PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 230

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Forester Einarsen
Phone: 202 761–4700

RIN: 0710–AA42

889. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, ENDANGERED SPECIES ACT; SCOPE OF ANALYSIS

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 325

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Russell Kaiser
Phone: 202 761–4614

RIN: 0710–AA43

890. COST–SHARING REQUIREMENTS UNDER THE ABILITY TO PAY PROVISIONS

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 241

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Janice Rasgus
Phone: 202 761–7674

RIN: 0710–AA44

891. SPECIAL EVENTS RULE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 36 CFR 327

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Judy Rice
Phone: 202 761–5541

RIN: 0710–AA53

Department of Defense (DOD)
Department of the Navy (NAVY)

Long-Term Actions

892. SHIPBUILDING CAPABILITY PRESERVATION AGREEMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 5231 (New)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/97	62 FR 66826
Interim Final Rule Effective	12/22/97	
Interim Final Rule Comment Period End	02/20/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Clarence Belton
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RIN: 0703–AA50

Department of Defense (DOD) — Completed Actions
Department of the Navy (NAVY)

893. RELEASE OF OFFICIAL INFORMATION FOR LITIGATION PURPOSES AND TESTIMONY BY DEPARTMENT OF THE NAVY PERSONNEL

Priority: Info./Admin./Other

Legal Authority: 10 USC 7861

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: The Secretary of the Navy's sole delegate for service of process, the Navy General Counsel, is changing the address where the service of process documents shall be delivered. This action is being taken in order to streamline the service process and expedite legal response on behalf of the Department of the Navy.

Timetable:

Action	Date	FR Cite
Final Action	03/17/05	70 FR 12966
Final Action Effective	03/17/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT Samuel Wartell, Department of Defense, Department of the Navy, 1000 Navy Pentagon, Washington, DC 20350–1000
Phone: 703 614–4473

RIN: 0703–AA76

Department of Defense (DOD) — Proposed Rule Stage
Office of Assistant Secretary for Health Affairs (DODOASHA)

894. TRICARE; CHANGES TO DRG AND INPATIENT MENTAL HEALTH PAYMENT SYSTEMS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule amends the exclusion of services and supplies provided as part of or under a research study, grant or research program to add coverage for routine patient care that would have been necessary in the absence of the study as well as care of complications that result from participation in the trial.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marty Maxey, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3627

RIN: 0720–AA91

895. TRICARE; REVISION OF PARTICIPATING PROVIDERS REIMBURSEMENT RATE; TRICARE DENTAL PROGRAM (TDP)

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule revises the requirements and procedures for the reimbursement of TRICARE Dental Program participating providers. Participating providers will no longer be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or State, or the providers's actual charge, whichever is lower, less any cost-share amount due for authorized services. Specifically, the revision will require TRICARE Dental Program participating providers to be reimbursed in accordance with the contractor's network agreements, less any cost-share amount due for authorized services.

Timetable:

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51692
NPRM Comment Period End	10/31/05	
Final Action	11/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: COL Gary Martin, Department of Defense, Office of Assistant Secretary for Health Affairs, Department of Defense, Office of the Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681–0039

RIN: 0720–AA92

Department of Defense (DOD) — Final Rule Stage
Office of Assistant Secretary for Health Affairs (DODOASHA)

896. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule establishes a new payment method for ambulatory care (other than ambulatory surgery) provided by hospitals to CHAMPUS beneficiaries under which payment amounts would be based on the cost of the service rather than on the billed charge as at present.

Timetable:

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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RIN: 0720–AA20

897. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXCEPTION TO THE CHAMPUS DUAL COMPENSATION/CONFLICT OF INTEREST PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: Currently, any individual who is a civilian employee of the United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis; that is, less than 20 hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

Timetable:

Action	Date	FR Cite
NPRM	08/26/97	62 FR 45196
NPRM Comment Period End	10/27/97	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Email: stephen.isaacson@tma.osd.mil

RIN: 0720–AA41

898. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROSTHETIC DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 702 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85), which authorizes purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. The Act changes the existing limited provisions for prosthetic devices, expands coverage to include cost sharing of other prostheses; e.g., noses, ears, and fingers.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	05/20/99	64 FR 45453
Interim Final Rule	08/20/99	64 FR 45453
Interim Final Rule Comment Period End	10/19/99	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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RIN: 0720–AA49

899. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DOUBLE COVERAGE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule clarifies our double coverage policy for non-institutional claims for beneficiaries with primary health insurance. TRICARE network, non-network but participating, and non-participating providers are all reimbursed differently under current procedures. This has had the unintended effect of discouraging TRICARE network participation since non-network but participating providers receive the most favorable treatment with respect to double coverage calculations. The Department proposes to revise double coverage reimbursement calculations by reimbursing all providers up to 100 percent of the CHAMPUS Maximum Allowable Charge after the primary health insurance has paid or 115 percent for nonparticipating providers.

Timetable:

Action	Date	FR Cite
NPRM	06/17/99	64 FR 32451
NPRM Comment Period End	08/16/99	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681–3628
Email: steve.lillie@tma.osd.mil

RIN: 0720–AA50

900. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ESTABLISHMENT OF AN APPEALS PROCESS FOR TRICARE CLAIMCHECK DENIALS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 714 of the National Defense Authorization Act for FY 1999, which requires the establishment of an appeals process for denials by TRICARE Claimcheck (TCC) or any similar software system. This rule enhances the current appeals process by adding an additional level of appeal conducted at the TRICARE Management Activity (TMA) and by codifying the entire process in this part.

Timetable:

Action	Date	FR Cite
NPRM	01/13/00	65 FR 2085
NPRM Comment Period End	03/13/00	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: Donald Wagner, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3411

RIN: 0720–AA56

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901. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); METHODOLOGY FOR COVERAGE OF NIH–SPONSORED CLINICAL TRIALS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule modifies the general prohibition against CHAMPUS cost-sharing of unproven drugs, devices, and medical treatments or procedures by adding a provision allowing a waiver of the prohibition in connection with clinical trials sponsored by the National Institutes of Health, if it is determined that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.

Timetable:

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34627
NPRM Comment Period End	07/31/00	
Final Rule	01/31/01	66 FR 8365
Final Rule Effective	03/02/01	
Final Rule Withdrawn	02/07/01	66 FR 9199
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681–3628
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RIN: 0720–AA57

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902. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); INDIVIDUAL CASE MANAGEMENT PROGRAM FOR PERSONS WITH EXTRAORDINARY CONDITIONS (ICMP–PEC)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The Department of Defense proposes to amend its regulations of the Individual Case Management Program (ICMP) to implement requirements stipulated by section 703 of the Fiscal Year 2000 National Defense Authorization Act, section 8118 of the Fiscal Year 2000 Defense Appropriations Act, section 701 of the Fiscal Year 2001 National Defense Authorization Act, and section 8100 of the Fiscal Year 2001 Defense Appropriations Act. Other administrative amendments are also proposed to clarify specific policies that relate to the program.

Timetable:

Action	Date	FR Cite
NPRM	08/01/01	66 FR 39699
NPRM Comment Period End	10/01/01	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mary Stockdale, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681–0039

RIN: 0720–AA65

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903. TRICARE; PRIME REMOTE FOR ACTIVE DUTY FAMILY MEMBERS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements 10 U.S.C. 1079(p), as added by section 722(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. This rule provides coverage for medical care for active-duty family members who reside with an active-duty member of the Uniformed Services assigned to remote areas and eligible for the program known as TRICARE Prime Remote. Active-duty family members who enroll in TRICARE Prime Remote for Active-Duty Family Members (TPRADFM) will enjoy benefits generally comparable to TRICARE Prime enrollees including access standards, benefit coverage, and cost-shares.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/02	67 FR 5477
Interim Final Rule Comment Period End	04/08/02	
Interim Final Rule Effective	04/08/02	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Robert Styron, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 703 681–0064

RIN: 0720–AA68

904. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); VOLUNTARY DISENROLLMENT FROM THE TRICARE RETIREE DENTAL PROGRAM (TRDP)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 726 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, which amended 10 U.S.C. 1076c to allow for voluntary disenrollment from the TRICARE Retiree Dental Program in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	01/30/02	67 FR 4375
NPRM Comment Period End	04/01/02	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Winter, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3682

RIN: 0720–AA69

905. TRICARE; WAIVER OF CERTAIN TRICARE DEDUCTIBLES; CLARIFICATION OF THE TRICARE PRIME ENROLLMENT PERIOD

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 714 of the National Defense Authorization Act for Fiscal Year 2000, which authorizes the Secretary of Defense to waive the TRICARE deductible in certain cases for care provided to a dependent of a member of a Reserve Component or the National Guard who is called to active duty for more than 30 days but less than 1 year. In implementing this rule, we are limiting this to Reserve Component and National Guard members called to active duty in support of contingency operations. The term ''contingency operations'' is defined at 10 U.S.C. 101(a)(13). This rule also establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than 1 year.

Timetable:

Action	Date	FR Cite
NPRM	04/18/02	67 FR 19141
NPRM Comment Period End	06/17/02	
Interim Final Rule	07/31/03	68 FR 44882
Interim Final Rule Effective	09/29/03	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Email: stephen.isaacson@tma.osd.mil

RIN: 0720–AA72

906. TRICARE; SUB–ACUTE CARE PROGRAM; UNIFORM SKILLED NURSING FACILITY BENEFIT; HOME HEALTH CARE BENEFIT; ADOPTING MEDICARE PAYMENT METHODS FOR SKILLED NURSING FACILITIES AND HOME HEALTH CARE PROVIDERS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule partially implements the TRICARE ''sub-acute and long-term care program reform'' enacted by Congress in the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107, specifically: (1) Establishment of ''an effective, efficient, and integrated sub-acute care benefits program,'' with skilled nursing facility and home health care benefits modeled after those of the Medicare Program; (2) adoption of Medicare payment methods for skilled nursing facility, home health care, and certain other institutional health care providers; (3) adoption of Medicare rules on balance billing of beneficiaries, prohibiting it by institutional providers and limiting it by non-institutional providers; and (4) change in the statutory exclusion of coverage for custodial and domiciliary care.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/02	67 FR 40597
Interim Final Rule Comment Period End	08/12/02	
Interim Final Rule Effective	08/12/02	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: David E. Bennett, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Email: david.bennett@tma.osd.mil

RIN: 0720–AA73

907. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003 (NDAA–03)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This interim final rule contains several provisions found in the NDAA-03 (Pub. L. 107-314). Specifically, this rule addresses eliminating the requirement for TRICARE preauthorization of inpatient mental health care for Medicare-eligible beneficiaries where Medicare is primary payer and has already authorized the care using Medicare certification of individual professional providers as sufficient documentation to also certify individual professional providers under TRICARE and expanding the TRICARE Dental Program eligibility for dependents of deceased members.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/19/03	68 FR 65172
Interim Final Rule Effective	11/19/03	

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/20/04	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rule is effective 11/19/2003. The effective date for 32 CFR 199.4(a)(12)(ii)(e)(2) is 10/01/2003. The effective date for 32 CFR 199.13(c)(3)(ii)(e)(2) is 12/02/2002. The applicability date for 32 CFR 199.6(c)(2)(v) is for any TRICARE contract entered into on or after 12/02/2002.

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3803

RIN: 0720–AA85

908. TRICARE; COORDINATION OF BENEFITS BETWEEN TRICARE AND THE DEPARTMENT OF VETERANS AFFAIRS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: Under current rules, beneficiaries who are eligible for both TRICARE and the Veterans Administration benefits may use only one program for care but cannot use both at the same time. This rule changes that policy to establish Veterans Administration benefits as double coverage under TRICARE, so that beneficiaries may use TRICARE benefits to augment or replace services being provided through the Veterans Administration.

Timetable:

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49732
NPRM; Correction	09/05/03	68 FR 52722
NPRM; Correction Effective	09/05/03	68 FR 52722
NPRM Comment Period End	10/20/03	68 FR 49732
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Related RIN: Previously reported as 0720–AA86

RIN: 0720–AA87

909. TRICARE PROGRAM; RARE DISEASES DEFINITION AND PARTIAL LIST OF EXAMPLES OF UNPROVEN DRUGS, DEVICES, MEDICAL TREATMENTS, OR PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 10 USC ch 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule revises the definition of rare diseases to be more in compliance with the definition of other Federal agencies and national organizations. This rule also clarifies the provision for case-by-case review of benefits for rare diseases. In addition, this rule removes the partial list of examples of unproven drugs, devices, medical treatments, or procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48433
NPRM Comment Period End	10/12/04	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Rene' Morrell, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3618

RIN: 0720–AA88

910. TRICARE RESERVE SELECT FOR CERTAIN MEMBERS OF THE SELECTED RESERVE, TRANSITIONAL ASSISTANCE MANAGEMENT PROGRAM, EARLY ELIGIBILITY FOR TRICARE FOR CERTAIN RESERVE COMPONENT MEMBERS

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: Final, Statutory, April 26, 2005.

Abstract: This rule establishes requirements and procedures for implementation of TRICARE Reserve Select, the program authorized by section 701 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 for premium-based medical coverage for certain members of the Selected Reserve and their family members. It also revises requirements and procedures for the Transitional Assistance Management Program, in accordance with section 706 of the NDAA-05, and implements earlier TRICARE eligibility for certain Reserve component members as authorized by section 703 of the NDAA-05.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/16/05	70 FR 12798
Interim Final Rule Comment Period End	05/16/05	70 FR 12799
Interim Final Rule Effective	04/15/05	
Final Action	10/00/05	
Final Action Effective	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jody Donehoo, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301
Phone: 703 681–0039

RIN: 0720–AA90

911. • TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005; TRICARE DENTAL PROGRAM

Priority: Other Significant

Legal Authority: 5 USC 301; 10 USC 55

DOD—DODOASHA

Final Rule Stage

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements sections 711 and 715 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA-05), Public Law 108-375. Specifically, that legislation makes young dependents of deceased Service members eligible for enrollment in the TRICARE Dental Program when the child was not previously enrolled because of age, and authorizes post-graduate dental residents in a dental treatment facility of the uniformed services under a graduate dental education program accredited by the American Dental Association to provide dental treatment to dependents who are 12 years of age or younger and who are covered by a dental plan established under 10 USC 1076a. This rule also corrects certain references in 32 CFR 199.13.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/21/05	70 FR 55251
Interim Final Rule Comment Period End	11/21/05	
Interim Final Rule Effective	11/21/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Col Gary Martin, Department of Defense, Office of Assistant Secretary for Health Affairs, Falls Church, VA 22041–3206
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RIN: 0720–AA93

Department of Defense (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Completed Actions

912. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS): ENURETIC DEVICES, BREAST RECONSTRUCTIVE SURGERY, PFPWD VALID AUTHORIZATION PERIOD, EARLY INTERVENTION SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule removes the exclusion of enuresis alarms, corrects contradictory language as it relates to breast reconstructive surgery, changes the valid period of an authorization for services and items under the Program for Persons With Disabilities, implements section 640 of Public Law 105-17, which establishes the CHAMPUS payment relationship for IDEA part C and items, and revises a statement to the paragraph at 32 CFR 199.4(g)(15)(i)(D).

Timetable:

Action	Date	FR Cite
NPRM	11/15/00	65 FR 68957
NPRM Comment Period End	01/16/01	
Final Action	04/17/02	67 FR 18825
Final Action Effective	05/17/02	67 FR 18825

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
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Mike Kottyan, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3520

RIN: 0720–AA70

913. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 (NDAA–02) AND A TECHNICAL CORRECTION INCLUDED IN THE NDAA–03

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule proposes several changes to the TRICARE program that were enacted by Congress in the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02), Public Law 107-107 (December 28, 2001). Specifically, (1) revisions to the definition of durable medical equipment (DME); (2) adoption of the same pricing methods for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) as are in effect for the Medicare program; (3) clarification that rehabilitative therapy is a TRICARE benefit; (4) addition of augmentative communication devices (ACD)/speech generating devices (SGD) as a TRICARE benefit; (5) addition of hearing aids for family members of active duty members as a TRICARE benefit; (6) revisions to the definition of prosthetics; (7) permanent authority for transitional health care for certain members separated from active duty; and (8) revisions to the time period of eligibility for transitional health care. This rule also addresses a technical correction found in section 706 of the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03), Public Law 107-62, relating to transitional health care for dependents of certain members separated from active duty.

Timetable:

Action	Date	FR Cite
NPRM	04/16/03	68 FR 18575
NPRM Comment Period End	06/16/03	
Final Action	10/12/04	69 FR 60547
Final Action Effective	12/13/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3803

RIN: 0720–AA77

914. TRICARE; CHANGES TO NDAA FY02 AND TECHNICAL CORRECTION TO NDAA FY03

Priority: Other Significant

Legal Authority: 10 USC 55; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule makes several changes to the TRICARE program authorized by Congress in the NDAA-02 (Pub. L. 107-107, December 28, 2001). Specifically, revisions to the definition of durable medical equipment (DME); adoption of the same pricing methods for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) as are in effect for the Centers for Medicare & Medicaid Services (CMS); clarification that rehabilitative therapy is a TRICARE benefit; addition of augmentative communication devices (ACD)/speech generating devices (SGDs) as a TRICARE benefit; addition of hearing aids for family members of active duty members as a TRICARE Basic Program benefit; revisions to the definition of prosthetics; permanent authority for transitional health care for certain members separated from active duty; and revisions to the time period of eligibility for transitional health care. This rule also addresses a technical correction found in section 706 of the Bob Stump NDAA-03, relating to transitional health care for dependents of certain members separated from active duty.

Timetable:

Action	Date	FR Cite
NPRM	04/16/03	68 FR 18575
NPRM Comment Period End	06/16/03	
Final Action	10/12/04	69 FR 60547
Final Action Effective	12/13/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676–3803

Related RIN: Duplicate of 0720–AA77

RIN: 0720–AA89

[FR Doc. 05–18113 Filed 10–28–05; 8:45 am]
BILLING CODE 5001–06–S