



Federal Register

**Monday,
June 28, 2004**

Part V

**Department of
Defense**

Semiannual Regulatory Agenda

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.

This agenda updates the report published on December 22, 2003, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in the fall of 2004. 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 703-604-6269, or write to Executive Services and Communications Directorate, Washington Headquarters Services, 1225 South Clark Street, Suite 504,

Arlington, Virginia 22202-4326, 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. Dan Cragg, telephone 703-601-4722, or write to Directives and Records Division, Directorate for Correspondence and Directives, Washington Headquarters Services, Suite 501, 1111 Jefferson Davis Highway, Arlington, Virginia 22202, or e-mail: dan.cragg@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 Lieutenant Commander Sally Hughes, telephone 703-601-3631, 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: sally.hughes@navy.mil.

For general information on Department of the Air Force regulations, contact Mrs. Pamela D. Fitzgerald, telephone 703-696-6342, or write to

Department of the Air Force, AF-CIO/RR, 1155 Air Force Pentagon, Washington, DC 20330-1155, or e-mail: pamelafitzgerald@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:

1. Regulatory Flexibility Act;
2. Paperwork Reduction Act of 1995;
3. Unfunded Mandates Reform Act of 1995.

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

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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: May 6, 2004.
Howard G. Becker,
Deputy Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
606	Restoration Advisory Boards (RABs)	0790-AG31
607	Defense Contract Management Agency Freedom of Information Act (FOIA) Program	0790-AH00
608	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents	0790-AH70
609	DoD Grant and Agreement Regulations	0790-AH75
610	DoD Contractors' Safety Manual (DoD 4145.26-M)	0790-AH76
611	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21)	0790-AH77
612	Voluntary State Tax Withholding From Retired Pay	0790-AH78

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
613	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) ..	0790-AF59
614	Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG47
615	Personnel Security Policies for Granting Access to Classified Information	0790-AG54
616	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity	0790-AG55
617	National Policy on Technical Surveillance Countermeasures	0790-AG56
618	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	0790-AG76
619	Procedures for Settling Personnel and General Claims and Processing Advance Decision Requests	0790-AG89
620	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21)	0790-AG90
621	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23)	0790-AG91
622	Development of a Munitions Response Site Prioritization Protocol	0790-AG94
623	Review of the Manual for Courts-Martial (DoD Directive 5500.17)	0790-AG99
624	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
625	Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members	0790-AH73
626	Supplemental Standards of Ethical Conduct for Employees of the Department of Defense	0790-AH74
627	Federal Policy for the Protection of Human Subjects	0790-AH79

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
628	Former Spouse Payments From Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B)	0790-AG22
629	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	0790-AG86
630	National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program	0790-AG96
631	Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects	0790-AG97

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Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
632	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015)	0750-AD72
633	Protests, Disputes, and Appeals (DFARS Case 2003-D010)	0750-AE01
634	Cost Accounting Standards (DFARS Case 2003-D015)	0750-AE10
635	Geographic Use of the Term "United States" (DFARS Case 2001-D003)	0750-AE12
636	Tax Procedures for Overseas Contracts (DFARS Case 2003-D031)	0750-AE18
637	Resolving Tax Problems (DFARS Case 2003-D032)	0750-AE19
638	Architect-Engineer Services (DFARS Case 2003-D035)	0750-AE20
639	DoD Pilot Mentor-Protege Program (DFARS Case 2003-D013)	0750-AE29
640	Small Business Competitiveness Demonstration Program (DFARS Case 2003-D063)	0750-AE31
641	Acquisition of Commercial Items (DFARS Case 2003-D074)	0750-AE32
642	Payment and Billing Instructions (DFARS Case 2003-D009)	0750-AE34
643	Bonds (DFARS Case 2003-D033)	0750-AE36
644	Reporting Contract Performance Outside the United States (DFARS Case 2004-D001)	0750-AE46

Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
645	Incremental Funding, Fixed-Price Contracts (DFARS Case 1990-037)	0750-AA07
646	Codification and Modification of Berry Amendment (DFARS Case 2002-D002)	0750-AD76
647	Approval of Service Contracts and Task Orders (DFARS Case 2002-D024)	0750-AD81
648	Information Assurance (DFARS Case 2002-D020)	0750-AD86
649	Purchase Card Internal Controls (DFARS Case 2002-D025)	0750-AD87
650	Follow-On Production Contracts for Products Developed Pursuant to Prototype Projects (DFARS Case 2002-D023)	0750-AD88
651	Fish, Shellfish, or Seafood Products (DFARS Case 2002-D034)	0750-AD91
652	Indian Incentive Program—Commercial Items (DFARS Case 2002-D033)	0750-AD97
653	Multiyear Procurement Authority for Environmental Services for Military Installations (DFARS Case 2003-D004)	0750-AD99
654	Improper Business Practices, Organizational Conflicts of Interest, and Debarment (DFARS Case 2003-D012)	0750-AE02
655	Protection of Privacy and Freedom of Information (DFARS Case 2003-D038)	0750-AE03
656	Contractor Qualifications Relating to Contract Placement (DFARS Case 2003-D011)	0750-AE06
657	Production Surveillance and Reporting (DFARS Case 2002-D015)	0750-AE07
658	Government Source Inspection Requirements (DFARS Case 2002-D032)	0750-AE08
659	Unique Item Identification and Property Valuation (DFARS Case 2003-D081)	0750-AE09
660	Central Contractor Registration (DFARS Case 2003-D040)	0750-AE11
661	Laws Inapplicable to Commercial Subcontracts (DFARS Case 2003-D018)	0750-AE14
662	Architect-Engineer Threshold for Small Business Set-Asides (DFARS Case 2003-D105)	0750-AE21
663	Publicizing Contract Actions (DFARS Case 2003-D016)	0750-AE22
664	Competition Requirements (DFARS Case 2003-D017)	0750-AE23
665	Sealed Bidding (DFARS Case 2003-D076)	0750-AE24
666	Contract Period for Task and Delivery Order Contracts (DFARS Case 2003-D097)	0750-AE25
667	Firefighting Services Contracts (DFARS Case 2003-D107)	0750-AE26
668	Use of FAR Part 12 for Performance-Based Contracting for Services (DFARS Case 2003-D111)	0750-AE27
669	Contractor Use of Government Supply Sources (DFARS Case 2003-D045)	0750-AE28
670	Threshold for Small Business Specialist Review (DFARS Case 2003-D060)	0750-AE30
671	Small Disadvantaged Businesses and Leader Company Contracting (DFARS Case 2003-D092)	0750-AE33
672	Major Systems Acquisition (DFARS Case 2003-D030)	0750-AE35
673	Cost Principles and Procedures (DFARS Case 2003-D036)	0750-AE37
674	Insurance (DFARS Case 2003-D037)	0750-AE38
675	Removal of Obsolete Research and Development Contracting Procedures (DFARS Case 2003-D058)	0750-AE39
676	Research and Development Contracting (DFARS Case 2003-D067)	0750-AE40
677	Procedures, Guidance, and Information (DFARS Case 2003-D090)	0750-AE41
678	Contractors Accompanying a Force Deployed (DFARS Case 2003-D087)	0750-AE42
679	Free Trade Agreements—Chile and Singapore (DFARS Case 2003-D088)	0750-AE43
680	Berry Amendment Changes (DFARS Case 2003-D099)	0750-AE44
681	Written Assurance of Technical Data Conformity (DFARS Case 2003-D104)	0750-AE45

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Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
682	Competition Requirements for Purchases From a Required Source (DFARS Case 2002-D003)	0750-AD57
683	Electronic Submission and Processing of Payment Requests (DFARS Case 2002-D001)	0750-AD70
684	Indian Incentive Clause—Contract Types (DFARS Case 2002-D013)	0750-AD78
685	Provisional Award Fee Payments (DFARS Case 2001-D013)	0750-AD83
686	Payment Withholding (DFARS Case 2002-D017)	0750-AD85
687	DoD Activity Address Codes in Contract Numbers (DFARS Case 2003-D005)	0750-AE00
688	Buy-to-Budget Acquisition of End Items (DFARS Case 2002-D036)	0750-AE04
689	Multiyear Contracting Authority Revisions (DFARS Case 2002-D041)	0750-AE05
690	Berry Amendment—Exception for Fabrics and Fibers (DFARS Case 2003-D022)	0750-AE15
691	Memorandum of Understanding—Sweden (DFARS Case 2003-D089)	0750-AE47

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
692	Publication of Rules Affecting the Public	0702-AA40

Department of the Army—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
693	Foreign Acquisition	0702-AA38
694	Solicitation Provisions and Contract Clauses	0702-AA39

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

Sequence Number	Title	Regulation Identifier Number
695	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA42
696	Regulatory Program of the Army Corps of Engineers and Historic Properties	0710-AA51
697	Compensatory Mitigation and Mitigation Banking	0710-AA55
698	United States Marine Corps Restricted Area and Danger Zone, Brickyard Creek and Tributaries and the Broad River, Marine Corps Air Station, Beaufort, South Carolina	0710-AA57

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

Sequence Number	Title	Regulation Identifier Number
699	Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers	0710-AA47
700	Civil Monetary Penalty Inflation Adjustment Rule	0710-AA54
701	United States Coast Guard Restricted Area, Coast Guard Base Mobile, Mobile, Alabama	0710-AA56

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

Sequence Number	Title	Regulation Identifier Number
702	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis	0710-AA43
703	Cost-Sharing Requirements Under the Ability To Pay Provisions	0710-AA44
704	Clean Water Act Regulatory Definition of "Waters of the United States"	0710-AA50

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

Sequence Number	Title	Regulation Identifier Number
705	Special Events Rule	0710-AA53

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
706	Programmatic Regulations for the Comprehensive Everglades Restoration Plan	0710-AA49

Department of the Navy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
707	Shipbuilding Capability Preservation Agreements	0703-AA50
708	Release of Official Information for Litigation Purposes and Testimony by the Department of the Navy Personnel. ...	0703-AA74

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
709	Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy	0703-AA51
710	Admiralty Claims	0703-AA72
711	Legal Assistance	0703-AA73
712	Regulations Supplementing the Manual for Courts-Martial	0703-AA75

Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
713	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments or Procedures	0720-AA88

Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
714	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care	0720-AA20
715	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions	0720-AA41
716	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices	0720-AA49
717	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage	0720-AA50
718	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials	0720-AA56
719	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials	0720-AA57
720	Civilian Health and Medical Program of the Uniformed Services; Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC)	0720-AA65
721	TRICARE; Prime Remote for Active Duty Family Members	0720-AA68

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

Sequence Number	Title	Regulation Identifier Number
722	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP)	0720-AA69
723	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services	0720-AA70
724	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period	0720-AA72
725	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
726	TRICARE; CHAMPUS; Appeals and Hearings Procedures, Formal Review	0720-AA74
727	TRICARE Program; Inclusion of Anesthesiologist's Assistants as Authorized Providers; Coverage of Cardiac Rehabilitation in Freestanding Cardiac Rehabilitation Facilities	0720-AA76
728	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
729	TRICARE: Individual Case Management: Program for Persons With Disabilities: Extended Benefits for Disabled Family Members of Active Duty Service Members: Custodial Care	0720-AA78
730	TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program	0720-AA79
731	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03)	0720-AA85
732	TRICARE; Coordination of Benefits Between TRICARE and The Department of Veterans Affairs	0720-AA87

Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
733	CHAMPUS/TRICARE; Implementation of the Pharmacy Benefits Program	0720-AA63
734	TRICARE Program; Special Supplemental Food Program for Women, Infants, and Children Overseas	0720-AA75

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

Proposed Rule Stage

606. 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	07/00/04	
Second NPRM Comment Period End	09/00/04	
Final Action	12/00/04	
Final Action Effective	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Agency Contact: Patricia Ferreebe, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 695-6107

RIN: 0790-AG31

607. 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.

DOD—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

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

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

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 CFR part 57 (which concerned provision of early intervention and special education to eligible DoD dependents in overseas areas) and CFR part 80 (which concerned provision of early intervention and special education services in domestic Department of Defense schools).

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment	09/00/04	
Period End		

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**609. • DOD GRANT AND AGREEMENT REGULATIONS****Priority:** Substantive, Nonsignificant

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	07/00/04	
NPRM Comment	09/00/04	
Period End		

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: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AH75**610. • DOD CONTRACTORS' SAFETY MANUAL (DOD 4145.26-M)****Priority:** Substantive, Nonsignificant**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	07/00/04	
NPRM Comment	09/00/04	
Period End		

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**611. • 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	07/00/04	
NPRM Comment	09/00/04	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

DOD—OS

Proposed Rule Stage

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**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	07/00/04	
NPRM Comment Period End	09/00/04	

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**612. • VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 1045**Department of Defense (DOD)
Office of the Secretary (OS)****Final Rule Stage****613. 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	07/00/04	
Final Action Effective	09/00/04	

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**614. 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	07/00/04	
Final Action Effective	09/00/04	

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

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Phone: 703 696-8510

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

RIN: 0790-AG47

615. 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 Effective	01/30/98	63 FR 4572
Interim Final Rule Effective	03/24/98	
Interim Final Rule Comment Period End	03/31/98	
Final Action	07/00/04	
Final Action Effective	09/00/04	

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

616. 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 Effective	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	
Final Action	07/00/04	
Final Action Effective	09/00/04	

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

617. 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 Effective	01/30/98	63 FR 4582
Interim Final Rule Comment Period End	03/31/98	
Final Action	07/00/04	
Final Action Effective	09/00/04	

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

618. 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 Non-Profit 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 Effective	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Final Action	07/00/04	
Final Action Effective	09/00/04	

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: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG76

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Final Rule Stage

619. PROCEDURES FOR SETTling PERSONNEL AND GENERAL CLAIMS AND PROCESSING ADVANCE DECISION REQUESTS**Priority:** Other Significant**Legal Authority:** 5 USC 552a; 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 282**Legal Deadline:** None

Abstract: This rule proposes policy and prescribes procedures for processing and 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 reassignments 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 68957
NPRM Comment Period End	01/13/03	67 FR 68958
Final Action	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael Hipple, Department of Defense, Office of theSecretary, Defense Pentagon, Washington, DC 20301
Phone: 703 696-8510**Related RIN:** Related to 0790-AG47, Related to 0790-AG90, Related to 0790-AG91**RIN:** 0790-AG89**620. 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	

Action	Date	FR Cite
Final Action	07/00/04	
Final Action Effective	09/00/04	

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**621. 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

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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	07/00/04	
Final Action Effective	09/00/04	

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**622. 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

Action	Date	FR Cite
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	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Patricia Ferrebee, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 695-6107

RIN: 0790-AG94**623. 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	07/00/04	
Final Action Effective	09/00/04	

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**624. 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

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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	07/00/04	
Final Action Effective	09/00/04	

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

625. CRIMINAL JURISDICTION OVER CIVILIANS EMPLOYED BY OR ACCOMPANYING THE ARMED FORCES OUTSIDE THE UNITED STATES, SERVICE MEMBERS, AND FORMER SERVICE MEMBERS

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	07/00/04	
Final Action Effective	09/00/04	

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

626. • 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	07/00/04	
Final Action Effective	09/00/04	

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

627. • FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Priority: Substantive, Nonsignificant

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	09/00/04	
Final Action Effective	09/00/04	

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
Phone: 703 588-7402
Fax: 703-588-7560
Email: patty.decot@osd.mil

RIN: 0790-AH79

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

Completed Actions

628. FORMER SPOUSE PAYMENTS FROM RETIRED PAY; AMENDMENT (DOD DIRECTIVE 1340.16 AND DOD 7000.14-R, VOL 7, PART B)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1408

CFR Citation: 32 CFR 63

Legal Deadline: None

Abstract: This proposed rule amends part 63 of title 32 to reflect amendments to the Uniformed Services Former Spouses' Protection Act and to clarify the language in section 63.6(c)(8) concerning court orders that provide for a division of retired pay by means of a formula. Guidance implementing the amendments has been incorporated into volume 7, part B, of the DoD Financial Management Regulation, DoD 7000.14-R, but has not been previously published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	04/06/95	60 FR 17507
NPRM Comment Period End	06/06/95	
Withdrawn	04/30/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Fiti Malufau, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 607-5061
Email: malufauf@cleveland.dfas.mil

RIN: 0790-AG22

629. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Priority: Substantive, Nonsignificant

Legal Authority: EO 12549; EO 12689; PL 103-355

CFR Citation: 32 CFR 25; 32 CFR 26

Legal Deadline: None

Abstract: The Department of Defense (DoD) proposes to adopt two updated common rules, on nonprocurement

debarment and suspension and on drug-free workplace requirements for grants and agreements. In adopting these rules, the Office of the Secretary of Defense, Military Departments, Defense Agencies, and DoD Field Activities will maintain uniform policies and procedures that are consistent with those of other executive departments and agencies.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	67 FR 3267
Final Action	11/26/03	68 FR 66534
Final Action Effective	11/26/03	68 FR 66535

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: 703 696-0372
Email: herbstm@acq.osd.mil

RIN: 0790-AG86

630. NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE (NSA/CSS) FREEDOM OF INFORMATION ACT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 299

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
Interim Final Rule	05/23/03	68 FR 28132
Interim Final Rule Comment Period End	07/22/03	
Interim Final Rule Effective	08/05/02	
Final Action	03/19/04	69 FR 12975
Final Action Effective	03/19/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pamela Phillips, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 301 688-6527

RIN: 0790-AG96

631. TRANSACTIONS OTHER THAN CONTRACTS, GRANTS, OR COOPERATIVE AGREEMENTS FOR PROTOTYPE PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-160

CFR Citation: 32 CFR 3

Legal Deadline: None

Abstract: This rule implements section 822 of the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107. Section 822 provides for award of a follow-on production contract to traditional Defense contractors, without further competition, when the Other Transaction agreement for the prototype project provided for at least one-third non-Federal cost-share, consistent with law, and the Other Transaction agreement for the prototype project satisfies certain additional conditions of law.

Timetable:

Action	Date	FR Cite
NPRM	05/20/03	68 FR 27497
NPRM Comment Period End	07/21/03	
Final Action	03/30/04	69 FR 16481
Final Action Effective	03/30/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Boyd, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301
Phone: 703 697-6710

RIN: 0790-AG97

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

Proposed Rule Stage

632. 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
Case Opened	10/09/01	
NPRM	10/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
 Phone: 703 602–0131
 Fax: 703 602–0350
 Email: gail.cruz@osd.mil

RIN: 0750–AD72

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

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 233

Legal Deadline: None

Abstract: Amends part 233 of the Defense FAR Supplement (DFARS) to implement proposals resulting from the DFARS Transformation Initiative that pertain to protests, disputes, and appeals.

Timetable:

Action	Date	FR Cite
Case Opened	06/16/03	
NPRM	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
 Phone: 703 602–0131
 Fax: 703 602–0350
 Email: gail.cruz@osd.mil

RIN: 0750–AE01

634. 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 part 230 of the Defense FAR Supplement (DFARS) to implement noncomplex proposals resulting from the DFARS Transformation Initiative that pertain to Cost Accounting Standards.

Timetable:

Action	Date	FR Cite
Case Opened	07/01/03	
NPRM	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
 Phone: 703 602–0131
 Fax: 703 602–0350
 Email: gail.cruz@osd.mil

RIN: 0750–AE10

635. 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
Case Opened	02/13/01	
NPRM	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
 Phone: 703 602–0131
 Fax: 703 602–0350
 Email: gail.cruz@osd.mil

RIN: 0750–AE12

636. • TAX PROCEDURES FOR OVERSEAS CONTRACTS (DFARS CASE 2003–D031)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 229.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains procedures for contracting officers to use in obtaining tax relief and duty-free import privileges for acquisitions conducted in foreign countries.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
 Phone: 703 602–0131

DOD—DARC

Proposed Rule Stage

Fax: 703 602-0350
 Email: gail.cruz@osd.mil
 RIN: 0750-AE18

637. • RESOLVING TAX PROBLEMS (DFARS CASE 2003-D032)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 229.101
Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses situations where a contracting officer may direct a contractor to litigate the applicability of a particular tax; and addresses information on tax relief agreements between the United States and foreign governments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE19

638. • ARCHITECT-ENGINEER SERVICES (DFARS CASE 2003-D035)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 236.6
Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains procedures

for establishment of evaluation criteria in the selection of firms for architect-engineer contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE20

639. • DOD PILOT MENTOR-PROTEGE PROGRAM (DFARS CASE 2003-D013)

Priority: Substantive, Nonsignificant
Legal Authority: PL 101-510, sec 831
CFR Citation: 48 CFR 219.71; 48 CFR Appendix I

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to update policy pertaining to the DoD Pilot Mentor-Protege Program. The changes authorize the Director, Small and Disadvantaged Business Utilization, of each military department and defense agency to approve mentor firms and mentor-protege agreements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350

Email: gail.cruz@osd.mil
 RIN: 0750-AE29

640. • SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (DFARS CASE 2003-D063)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 219.1007

Legal Deadline: None

Abstract: Supplements FAR text that requires a statement on the face page of contracts to identify awards under the Small Business Competitiveness Demonstration Program. To accommodate the use of automated systems, the change specifies that, when it is not possible to mark the face page, alternate means may be used to identify a contact as an award under the Program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE31

641. • ACQUISITION OF COMMERCIAL ITEMS (DFARS CASE 2003-D074)

Priority: Substantive, Nonsignificant
Legal Authority: 41 USC 421
CFR Citation: 48 CFR 212.303; 48 CFR 212.503

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Deletes unnecessary text pertaining to the structuring of contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

DOD—DARC

Proposed Rule Stage

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE32**642. • 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 Appendix 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	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE34**643. • BONDS (DFARS CASE 2003-D033)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 228.1**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses situations where fidelity and forgery bonds may be used as protection under DoD contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

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
Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense

Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil
RIN: 0750-AE36

644. • 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	07/00/04	

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
Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil
RIN: 0750-AE46

Department of Defense (DOD)

Final Rule Stage

Defense Acquisition Regulations Council (DARC)

645. 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	10/00/04	

DOD—DARC

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

Related RIN: Previously reported as 0790-AE42**RIN:** 0750-AA07
646. CODIFICATION AND MODIFICATION OF BERRY AMENDMENT (DFARS CASE 2002-D002)
Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-107, sec 832**CFR Citation:** 48 CFR 225.7002; 48 CFR 252.212-7001; 48 CFR 252.225-7012**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 832 of the Fiscal Year 2002 National Defense Authorization Act. Section 832 codifies and makes minor modifications to the provision of law known as the Berry Amendment, which requires the acquisition of certain items from domestic sources.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/02	
Interim Final Rule	04/26/02	67 FR 20697
Interim Final Rule Comment Period End	06/25/02	
Final Action	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD76
647. APPROVAL OF SERVICE CONTRACTS AND TASK ORDERS (DFARS CASE 2002-D024)
Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-107, sec 801(b)**CFR Citation:** 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
Case Opened	08/02/02	
Interim Final Rule	10/01/03	68 FR 56563
Interim Final Rule Comment Period End	12/01/03	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD81
648. INFORMATION ASSURANCE (DFARS CASE 2002-D020)
Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.71; 48 CFR 252.239-7000**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to address requirements for information assurance in the acquisition of information technology.

Timetable:

Action	Date	FR Cite
Case Opened	06/25/02	
NPRM	05/23/03	68 FR 28187
NPRM Comment Period End	07/22/03	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD86
649. PURCHASE CARD INTERNAL CONTROLS (DFARS CASE 2002-D025)
Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213.3**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to add policy on internal controls for proper use of the Governmentwide commercial purchase card.

Timetable:

Action	Date	FR Cite
Case Opened	08/02/02	
NPRM	12/20/02	67 FR 77955
NPRM Comment Period End	02/18/03	
Final Action	10/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD87

DOD—DARC

Final Rule Stage

650. FOLLOW-ON PRODUCTION CONTRACTS FOR PRODUCTS DEVELOPED PURSUANT TO PROTOTYPE PROJECTS (DFARS CASE 2002–D023)**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107–107, sec 822**CFR Citation:** 48 CFR 206.001**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 822 of the Fiscal Year 2002 National Defense Authorization Act. Section 822 provides for award of a follow-on production contract, without competition, to participants in an “other transaction” agreement for a prototype project under certain conditions.

Timetable:

Action	Date	FR Cite
Case Opened	07/24/02	
NPRM	06/03/03	68 FR 33057
NPRM Comment Period End	08/04/03	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AD88**651. FISH, SHELLFISH, OR SEAFOOD PRODUCTS (DFARS CASE 2002–D034)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107–248, sec 8136**CFR Citation:** 48 CFR 225.7002–2; 48 CFR 252.212–7001; 48 CFR 252.225–7012**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 8136 of the Fiscal Year 2003 Defense Appropriations Act. Section 8136 requires the acquisition of domestic fish, shellfish, and seafood.

Timetable:

Action	Date	FR Cite
Case Opened	10/28/02	
Interim Final Rule	02/14/03	68 FR 7441
Interim Final Rule Comment Period End	04/15/03	
NPRM	09/15/03	68 FR 53945
NPRM Comment Period End	11/14/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AD91**652. INDIAN INCENTIVE PROGRAM—COMMERCIAL ITEMS (DFARS CASE 2002–D033)****Priority:** Substantive, Nonsignificant**Legal Authority:** 107–248, sec 8021**CFR Citation:** 48 CFR 226.1; 48 CFR 252.212–7001; 48 CFR 252.226–7001**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 8021 of the Fiscal Year 2003 Defense Appropriations Act. Section 8021 revises the criteria for application of the Indian Incentive Program to DoD contracts.

Timetable:

Action	Date	FR Cite
Case Opened	10/25/02	
Interim Final Rule	10/01/03	68 FR 56561
Interim Final Rule Comment Period End	12/01/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

Related RIN: Merged with 0750–AD78**RIN:** 0750–AD97**653. MULTIYEAR PROCUREMENT AUTHORITY FOR ENVIRONMENTAL SERVICES FOR MILITARY INSTALLATIONS (DFARS CASE 2003–D004)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107–314, sec 827**CFR Citation:** 48 CFR 217.1**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 827 of the Fiscal Year 2003 National Defense Authorization Act. Section 827 provides authority for DoD to enter into multiyear contracts for environmental remediation services for military installations.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/03	
Interim Final Rule	07/22/03	68 FR 43332
Interim Final Rule Comment Period End	09/22/03	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AD99

DOD—DARC

Final Rule Stage

654. IMPROPER BUSINESS PRACTICES, ORGANIZATIONAL CONFLICTS OF INTEREST, AND DEBARMENT (DFARS CASE 2003–D012)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 203; 48 CFR 209**Legal Deadline:** None

Abstract: Amends parts 203 and 209 of the Defense FAR Supplement (DFARS) to implement proposals resulting from the DFARS Transformation Initiative that pertain to improper business practices, organizational conflicts of interest, and debarment.

Timetable:

Action	Date	FR Cite
Case Opened	06/16/03	
NPRM	02/23/04	69 FR 8146
NPRM Comment Period End	04/23/04	
Final Action	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AE02**655. PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION (DFARS CASE 2003–D038)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 224**Legal Deadline:** None

Abstract: Amends part 224 of the Defense FAR Supplement (DFARS) to implement proposals resulting from the DFARS Transformation Initiative that pertain to protection of privacy and freedom of information.

Timetable:

Action	Date	FR Cite
Case Opened	07/28/03	

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8152
NPRM Comment Period End	04/23/04	
Final Action	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AE03**656. CONTRACTOR QUALIFICATIONS RELATING TO CONTRACT PLACEMENT (DFARS CASE 2003–D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 209; 48 CFR 252.209**Legal Deadline:** None

Abstract: Amends part 209 of the Defense FAR Supplement (DFARS) to implement proposals resulting from the DFARS Transformation Initiative that relate to contractor qualification requirements and contract placement.

Timetable:

Action	Date	FR Cite
Case Opened	06/16/03	
NPRM	02/23/04	69 FR 8150
NPRM Comment Period End	04/23/04	
Final Action	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350

Email: gail.cruz@osd.mil

RIN: 0750–AE06**657. PRODUCTION SURVEILLANCE AND REPORTING (DFARS CASE 2002–D015)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242.1104**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to eliminate requirements for DoD contract administration offices to perform production surveillance on contractors that have only Criticality Designator C (low-urgency) contracts. This change will permit contract administration offices to devote more resources to critical and high-risk contracts.

Timetable:

Action	Date	FR Cite
Case Opened	06/17/02	
NPRM	08/21/03	68 FR 50495
NPRM Comment Period End	10/20/03	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301–3062
Phone: 703 602–0131
Fax: 703 602–0350
Email: gail.cruz@osd.mil

RIN: 0750–AE07**658. GOVERNMENT SOURCE INSPECTION REQUIREMENTS (DFARS CASE 2002–D032)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 246.4**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to limit Government source inspection requirements for contracts below \$250,000. This change will permit contract administration offices to devote more resources to high-risk contracts.

DOD—DARC

Final Rule Stage

Timetable:

Action	Date	FR Cite
Case Opened	10/25/02	
NPRM	09/15/03	68 FR 53946
NPRM Comment Period End	11/14/03	
Final Action	08/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE08

659. UNIQUE ITEM IDENTIFICATION AND PROPERTY VALUATION (DFARS CASE 2003-D081)

Priority: Substantive, Nonsignificant

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
Case Opened	08/07/03	
Interim Final Rule	10/10/03	68 FR 58631
Interim Final Rule Comment Period End	11/10/03	
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE09

660. 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, upon incorporation of CCR requirements 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	09/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE11

661. LAWS INAPPLICABLE TO COMMERCIAL SUBCONTRACTS (DFARS CASE 2003-D018)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 212.504

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to remove the Buy American Act and the Trade Agreements Act from the list of laws inapplicable to commercial subcontracts. This change implements a proposal resulting from the DFARS Transformation Initiative.

Timetable:

Action	Date	FR Cite
Case Opened	07/02/03	
NPRM	02/23/04	69 FR 8151
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE14

662. ARCHITECT-ENGINEER THRESHOLD FOR SMALL BUSINESS SET-ASIDES (DFARS CASE 2003-D105)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 1427

CFR Citation: 48 CFR 219.502; 48 CFR 219.1005

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 1427 of the Fiscal Year 2004 National Defense Authorization Act. Section 1427 increases, from \$85,000 to \$300,000, the value below which acquisitions for architect-engineer services for military construction or family housing projects are set aside for small business concerns.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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URL For More Information:

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE21

663. • PUBLICIZING CONTRACT ACTIONS (DFARS CASE 2003-D016)

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains a notice for inclusion in acquisitions being considered for historically black college and minority institution set-aside.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8148
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE22

664. • COMPETITION REQUIREMENTS (DFARS CASE 2003-D017)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 206.001; 48 CFR 206.202; 48 CFR 206.3

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated addresses circumstances under which use of other than full and open competition may be appropriate due to unusual and compelling urgency.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8149
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE23

665. • SEALED BIDDING (DFARS CASE 2003-D076)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 214.2; 48 CFR 214.4; 48 CFR 214.5

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Deletes unnecessary text pertaining to sealed bidding and updates administrative information.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8152
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE24

666. • 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	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE25

667. • FIREFIGHTING SERVICES CONTRACTS (DFARS CASE 2003-D107)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 331

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CFR Citation: 48 CFR 237.102—70**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to implement section 331 of the Fiscal Year 2004 National Defense Authorization Act. Section 331 adds an exception to the prohibition on contracting for firefighting services, to permit such contracts for periods of 1 year or less, if the firefighting functions would otherwise have to be performed by members of the armed forces who are not readily available by reason of a deployment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Federal**URL For More Information:**

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE26

668. • USE OF FAR PART 12 FOR PERFORMANCE-BASED CONTRACTING FOR SERVICES (DFARS CASE 2003-D111)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 106-398, sec 821**CFR Citation:** 48 CFR 212.102; 48 CFR 237.601**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement to delete obsolete text pertaining to use of FAR part 12 (Acquisition of Commercial Items) for performance-based contracts for services. The statutory authority upon which this text was based expired on October 30, 2003.

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE27

669. • CONTRACTOR USE OF GOVERNMENT SUPPLY SOURCES (DFARS CASE 2003-D045)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 251.1; 48 CFR 252.251—7000**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The text to be relocated contains procedures for authorizing contractors to use Government supply sources. Also updates policy regarding contractor payment for purchases from Government supply sources.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8159
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE28

670. • 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	09/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE30

671. • SMALL DISADVANTAGED BUSINESSES AND LEADER COMPANY CONTRACTING (DFARS CASE 2003-D092)

Priority: Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 217.401; 48 CFR 219.705—4**Legal Deadline:** None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Lowers the approval level for subcontracting plans that contain a

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small disadvantaged business goal of less than 5 percent, from two levels above the contracting officer to one level above the contracting officer. Also deletes unnecessary text pertaining to leader company contracting.

Timetable:

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21996
NPRM Comment Period End	06/22/04	
Final Action	09/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE33

672. • 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	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE35

673. • COST PRINCIPLES AND PROCEDURES (DFARS CASE 2003-D036)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 231.205

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Updates DFARS text pertaining to cost principles and procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8154
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE37

674. • INSURANCE (DFARS CASE 2003-D037)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 228.3

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Relocates text to a new DFARS companion resource, Procedures, Guidance, and Information (PGI). The

text to be relocated addresses risk-pooling arrangements, overseas workers' compensation, and war-hazard insurance.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8153
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE38

675. • REMOVAL OF OBSOLETE RESEARCH AND DEVELOPMENT CONTRACTING PROCEDURES (DFARS CASE 2003-D058)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 235.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Removes obsolete procedures for research and development contracting.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8157
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062

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Final Rule Stage

Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil
 RIN: 0750-AE39

676. • RESEARCH AND DEVELOPMENT CONTRACTING (DFARS CASE 2003-D067)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 235.0; 48 CFR 252.235-7011

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative. Updates text on research and development contracting. Relocates text addressing maintenance of scientific and technical reports to a new DFARS companion resource, Procedures, Guidance, and Information (PGI).

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8158
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE40

677. • PROCEDURES, GUIDANCE, AND INFORMATION (DFARS CASE 2003-D090)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 201.105-3; 48 CFR 201.2; 48 CFR 201.301; 48 CFR 202.101

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) as a result of the DFARS Transformation Initiative.

Establishes the framework for a new DFARS companion resource, Procedures, Guidance, and Information (PGI), which will contain mandatory and non-mandatory internal DoD procedures, non-mandatory guidance, and supplemental information. Use of PGI will enable DoD to more rapidly convey internal administrative and procedural information to the acquisition workforce. PGI will not contain policy or procedures that significantly affect the public and, therefore, will not be published in the Federal Register or the Code of Federal Regulations. PGI will be available on the World Wide Web and will be electronically linked to the DFARS.

Timetable:

Action	Date	FR Cite
NPRM	02/23/04	69 FR 8145
NPRM Comment Period End	04/23/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE41

678. • 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	09/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE42

679. • FREE TRADE AGREEMENTS—CHILE AND SINGAPORE (DFARS CASE 2003-D088)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-77; PL 108-78

CFR Citation: 48 CFR 212; 48 CFR 213; 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement new Free Trade Agreements with Chile and Singapore, as approved by Congress in the United States-Chile Free Trade Agreement Implementation Act and the United States-Singapore Free Trade Agreement Implementation Act. The new Free Trade Agreements waive the applicability of the Buy American Act for some foreign supplies and construction materials from Chile and Singapore, and specify procurement procedures designed to ensure fairness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/04	69 FR 1926
Interim Final Rule Comment Period End	03/15/04	
Final Action	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense

DOD—DARC

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Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT.L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE43

680. • BERRY AMENDMENT CHANGES (DFARS CASE 2003-D099)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 826; PL 108-136, sec 827

CFR Citation: 48 CFR 225.7002-2; 48 CFR 252.212-7001; 48 CFR 252.225-7012

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement sections 826 and 827 of the Fiscal Year 2004 National Defense Authorization Act. Sections 826 and 827 provide exceptions to the domestic source requirements of the Berry Amendment (10 U.S.C. 2533a). Section 826 applies to the acquisition of food, specialty metals, and hand or measuring tools needed to support contingency operations or to fulfill other urgent requirements. Section 827 applies to the acquisition of waste and byproducts of cotton or wool fiber for use in the

production of propellants and explosives.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

URL For More Information:

www.acq.osd.mil/dpap/dars/index.htm

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE44

681. • WRITTEN ASSURANCE OF TECHNICAL DATA CONFORMITY (DFARS CASE 2003-D104)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-136, sec 844

CFR Citation: 48 CFR 227.71; 48 CFR 252.227-7036

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 844 of the Fiscal Year 2004 National Defense Authorization Act. Section 844 eliminates the requirement for a contractor to furnish written assurance that delivered technical data is complete, accurate, and complies with all requirements of the contract. The change will reduce paperwork for contractors, but will not diminish the contractor's obligation to provide technical data that meets contract requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/04	

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AE45

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

Completed Actions

682. COMPETITION REQUIREMENTS FOR PURCHASES FROM A REQUIRED SOURCE (DFARS CASE 2002-D003)

Priority: Other Significant

Legal Authority: PL 107-107, sec 811; PL 107-314, sec 819

CFR Citation: 48 CFR 208.6; 48 CFR 210.0; 48 CFR 219.5; 48 CFR 252.219

Legal Deadline: NPRM, Statutory, March 2, 2003, Proposed revisions to Defense FAR Supplement. Final, Statutory, May 31, 2003, Final regulations. The legal deadlines described above are imposed by section 819 of Public Law 107-314.

Abstract: Amends the Defense FAR Supplement to implement section 811 of the Fiscal Year 2002 National Defense Authorization Act and section 819 of the Fiscal Year 2003 National

Defense Authorization Act. These laws require DoD to conduct market research before purchasing a product from Federal Prison Industries (FPI) to determine whether the FPI product is comparable in price, quality, and time of delivery to products available from the private sector.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/02	
Interim Final Rule	04/26/02	67 FR 20687
Interim Final Rule Comment Period End	06/25/02	
NPRM	05/15/03	68 FR 26265
NPRM Comment Period End	07/14/03	
Final Action	11/14/03	68 FR 64559
Final Action Effective	12/15/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD57

683. ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS (DFARS CASE 2002-D001)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-398, sec 1008

CFR Citation: 48 CFR 232.70; 48 CFR 252.212-7001; 48 CFR 252.232-7003; 48 CFR 252.246-7000

DOD—DARC

Completed Actions

Legal Deadline: Final, Statutory, October 1, 2002, Implementation can be either an Interim Final Rule or a Final Rule.

Abstract: Amends the Defense FAR Supplement to implement section 1008 of the Fiscal Year 2001 National Defense Authorization Act, which requires that any claim for payment be submitted and processed electronically.

Timetable:

Action	Date	FR Cite
Case Opened	01/09/02	
NPRM	05/31/02	67 FR 38057
NPRM Comment Period End	07/30/02	
Interim Final Rule	02/21/03	68 FR 8450
Interim Final Rule Comment Period End	04/22/03	
Final Action	12/15/03	68 FR 69628

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD70

684. INDIAN INCENTIVE CLAUSE—CONTRACT TYPES (DFARS CASE 2002-D013)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 252.226-7001

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to clarify that the clause permitting incentive payments for use of Indian organizations as subcontractors can be applied to all contract types.

Timetable:

Action	Date	FR Cite
Case Opened	06/11/02	
NPRM	11/22/02	67 FR 70389
NPRM Comment Period End	01/21/03	
Merged With 2002-D033	10/01/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

Related RIN: Merged with 0750-AD97

RIN: 0750-AD78

685. PROVISIONAL AWARD FEE PAYMENTS (DFARS CASE 2001-D013)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 216.405-2

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to address the use of provisional award fee payments under cost-plus-award-fee contracts.

Timetable:

Action	Date	FR Cite
Case Opened	08/29/01	
NPRM	11/22/02	67 FR 70388
NPRM Comment Period End	01/21/03	
Final Action	11/14/03	68 FR 64561
Final Action Effective	01/13/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD83

686. PAYMENT WITHHOLDING (DFARS CASE 2002-D017)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 232.111; 48 CFR 252.232

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to remove the requirement for a contracting officer to routinely

withhold 5 percent of payments due under a time-and-materials or labor-hour contract.

Timetable:

Action	Date	FR Cite
Case Opened	06/18/02	
Case closed without further action	08/26/02	
NPRM	04/29/03	68 FR 9627
NPRM Comment Period End	04/29/03	
Final Action	12/15/03	68 FR 69631

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
Phone: 703 602-0131
Fax: 703 602-0350
Email: gail.cruz@osd.mil

RIN: 0750-AD85

687. DOD ACTIVITY ADDRESS CODES IN CONTRACT NUMBERS (DFARS CASE 2003-D005)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 204.70

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to prescribe use of DoD activity address codes in the first six positions of solicitation and contract numbers. This change will provide consistency in the method of identifying DoD activities.

Timetable:

Action	Date	FR Cite
Case Opened	04/15/03	
NPRM	06/11/03	68 FR 34879
NPRM Comment Period End	08/11/03	
Final Action	11/14/03	68 FR 64555
Final Action Effective	11/14/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062

DOD—DARC

Completed Actions

Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil
 RIN: 0750-AE00

688. BUY-TO-BUDGET ACQUISITION OF END ITEMS (DFARS CASE 2002-D036)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-314, sec 801

CFR Citation: 48 CFR 207.70

Legal Deadline: Final, Statutory, April 1, 2003, Final regulations.

Abstract: Amends the Defense FAR Supplement to implement section 801 of the Fiscal Year 2003 National Defense Authorization Act. Section 801 authorizes DoD to acquire a higher quantity of an end item than the quantity specified in a law providing for the funding of the acquisition, under certain conditions.

Timetable:

Action	Date	FR Cite
Case Opened	12/05/02	
Interim Final Rule	07/22/03	68 FR 43331
Interim Final Rule Comment Period End	09/22/03	
Final Action	03/23/04	69 FR 13477

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil
 RIN: 0750-AE04

689. MULTIYEAR CONTRACTING AUTHORITY REVISIONS (DFARS CASE 2002-D041)

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-314, sec 820

CFR Citation: 48 CFR 217.1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement section 820

of the Fiscal Year 2003 National Defense Authorization Act. Section 820 restricts the use of multiyear contracts for supplies to only those for complete and usable end items and restricts the use of advance procurement to only those long-lead items necessary to meet a planned delivery schedule for complete major end items.

Timetable:

Action	Date	FR Cite
Case Opened	12/05/02	
Interim Final Rule	08/21/03	68 FR 50474
Interim Final Rule Comment Period End	10/20/03	
Final Action	03/23/04	69 FR 13478

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE05

690. BERRY AMENDMENT—EXCEPTION FOR FABRICS AND FIBERS (DFARS CASE 2003-D022)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement (DFARS) to clarify the exception to the Berry Amendment that permits the acquisition of small amounts of cotton, other natural fibers, and wool from foreign sources and expands the exception to apply to all fabrics and fibers. This change implements a proposal resulting from the DFARS Transformation Initiative.

Timetable:

Action	Date	FR Cite
Case Opened	07/02/03	
Case closed without action	02/25/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE15

691. • MEMORANDUM OF UNDERSTANDING—SWEDEN (DFARS CASE 2003-D089)

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 421

CFR Citation: 48 CFR 225.872-1

Legal Deadline: None

Abstract: Amends the Defense FAR Supplement to implement a determination of the Deputy Secretary of Defense that it is inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of defense equipment produced or manufactured in Sweden, based on a memorandum of understanding between the United States and Sweden.

Timetable:

Action	Date	FR Cite
Final Action	02/23/04	69 FR 8115

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

Agency Contact: Noranzie (Gail) Cruz, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3C132, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062
 Phone: 703 602-0131
 Fax: 703 602-0350
 Email: gail.cruz@osd.mil

RIN: 0750-AE47

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

Final Rule Stage

692. • PUBLICATION OF RULES AFFECTING THE PUBLIC

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 3013; 5 USC 552

CFR Citation: 32 CFR 519

Legal Deadline: None

Abstract: This proposed rule prescribes procedures and responsibilities for publishing applicable Department of the Army policies, practices, and procedures as required by statutes. Proposed rule will update internal policies and procedures for Army

proponents who develop certain documents that may affect or have general interest to the public and require publication in the Federal Register. This proposed rule also incorporates guidance in support of various acts of Congress and Executive Orders relating to the rulemaking process.

Timetable:

Action	Date	FR Cite
NPRM	04/07/04	69 FR 18314
NPRM Comment Period End	06/07/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: 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-AA40

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

Long-Term Actions

693. 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

Phone: 703 428-6422

Fax: 703 428-6514

Email:

brenda.bowen@rmda.belvoir.army.mil

Related RIN: Related to 0702-AA39

RIN: 0702-AA38

Action	Date	FR Cite
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

Phone: 703 428-6422

Fax: 703 428-6514

Email:

brenda.bowen@rmda.belvoir.army.mil

Related RIN: Related to 0702-AA38

RIN: 0702-AA39

694. 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

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

Proposed Rule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4321 et seq; 40 CFR 1500.6

CFR Citation: 33 CFR 230

Legal Deadline: None

Abstract: The purpose of this regulatory revision is to update, clarify and provide additional guidance for the preparation and processing of Corps NEPA documents in support of Civil Works funded activities. These

requirements will cover all such U.S. Army Corps of Engineers Civil Works activities at Federal water resource development projects and associated lands.

Timetable:

Action	Date	FR Cite
NPRM	08/00/04	
NPRM Comment Period End	10/00/04	
Final Action	08/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Forester Einarsen, Biologist, Department of Defense, U.S. Army Corps of Engineers, Office of Environmental Policy (CECW-PC), 441 G Street NW, Washington, DC 20314
 Phone: 202 761-4700

RIN: 0710-AA42

696. 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

DOD—COE

Proposed Rule Stage

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 800 have been revised substantially. The Corps will revise its regulations to conform to the NHPA's revised implementing regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	11/00/04	
Final Action	08/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: David B. Olson, Regulatory Program Manager, 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-AA51**697. • COMPENSATORY MITIGATION AND MITIGATION BANKING**

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

Legal Authority: 33 USC 1344; PL 108-136; 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 (Public Law 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 Federal Water Pollution Control Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	
NPRM Comment Period End	09/00/04	
Final Action	09/00/05	
Final Action Effective	11/00/05	

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, 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**698. • UNITED STATES MARINE CORPS RESTRICTED AREA AND DANGER ZONE, BRICKYARD CREEK AND TRIBUTARIES AND THE BROAD RIVER, MARINE CORPS AIR STATION, BEAUFORT, SOUTH CAROLINA**

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

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334**Legal Deadline:** None

Abstract: The Corps is proposing a regulation to establish a restricted area and danger zone in Brickyard Creek, a portion of the Atlantic Intracoastal Waterway, Mulligan Creek, Albergottie Creek and Salt Creek in the vicinity of the Marine Corps Air Station in Beaufort, South Carolina. In addition, the proposed regulation will establish a restricted area in the Broad River in the vicinity of Laurel Bay Military Family Housing Area. The purpose of these regulations is to provide effective security in the vicinity of the Marine Corps Air Station and the Laurel Bay Military Family Housing Area.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	07/00/04	
Final Action	01/00/05	
Final Action Effective	02/00/05	

Regulatory Flexibility Analysis**Required:** No

Government Levels Affected: Undetermined

Agency Contact: David B. Olson, Regulatory Program Manager, 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-AA57

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

Final Rule Stage

699. NATURAL DISASTER PROCEDURES: PREPAREDNESS, RESPONSE, AND RECOVERY ACTIVITIES OF THE CORPS OF ENGINEERS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 701

CFR Citation: 33 CFR 203

Legal Deadline: None

Abstract: This revision of 33 CFR 203 is necessary to reflect current policy, add features required by the Water Resources Development Act of 1996 (Pub. L. 104-303), and streamline certain procedures concerning Corps authority for disaster preparedness, response, and recovery activities. Public Law 104-303 additions are the option of a nonstructural alternative to structural levee repairs for damage caused by flood events and the provision of a levee owners' manual. Other changes include a change in the cost share provision for rehabilitation of Federal and non-Federal flood control works, expansion of investigation ability for potential Advance Measures work, and a streamlined approach for requests for assistance from Native American tribes and Alaska Native Corporations.

Timetable:

Action	Date	FR Cite
NPRM	02/26/02	67 FR 8748
NPRM Comment Period End	04/29/02	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: George Gilmore, Program Manager, Public Law 84-99, Department of Defense, U.S. Army Corps of Engineers, CECW-OE (3F68), 441 G Street NW, Washington, DC 20314-1000
Phone: 202 761-4603

RIN: 0710-AA47

700. CIVIL MONETARY PENALTY INFLATION ADJUSTMENT RULE

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1319; 33 USC 2104; 28 USC 2461; PL 104-134

CFR Citation: 33 CFR 326.6

Legal Deadline: None

Abstract: The U.S. Army Corps of Engineers (Corps) proposed to amend its regulations to adjust its Class I civil penalties under the Clean Water Act and the National Fishing Enhancement Act. The adjustment of civil penalties to account for inflation is required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. The proposed adjusted Class I civil penalty under the Clean Water Act will not exceed \$11,000 per violation, with a maximum civil penalty amount of \$27,500. Under the National Fishing Enhancement Act, the proposed adjusted Class I civil penalty will not exceed \$11,000 per violation. Increasing the maximum amounts of the Class I civil penalties to account for inflation will maintain the deterrent effects of those penalties.

Timetable:

Action	Date	FR Cite
NPRM	08/20/03	68 FR 50108
NPRM Comment Period End	10/06/03	
Final Action	06/00/04	
Final Action Effective	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.usace.army.mil/inet/functions/cw/cecwo/reg/

Agency Contact: David B. Olson, Regulatory Program Manager, 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-AA54

701. • UNITED STATES COAST GUARD RESTRICTED AREA, COAST GUARD BASE MOBILE, MOBILE, ALABAMA

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

Legal Authority: 33 USC 1; 33 USC 3

CFR Citation: 33 CFR 334

Legal Deadline: None

Abstract: The U. S. Army Corps of Engineers is proposing to establish a new restricted area in the waters of Arlington Channel surrounding the U.S. Coast Guard Base Mobile Docks at Mobile, Alabama. The designation would ensure public safety and satisfy the Coast Guard's security, safety, and operational requirements as they pertain to vessels at U.S. Coast Guard Base Mobile by establishing an area into which unauthorized vessels and persons may not enter.

Timetable:

Action	Date	FR Cite
NPRM	04/16/04	69 FR 20570
NPRM Comment Period End	05/17/04	
Final Action	11/00/04	
Final Action Effective	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David B. Olson, Regulatory Program Manager, 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-AA56

Department of Defense (DOD)

Long-Term Actions

U.S. Army Corps of Engineers (COE)

702. 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

703. 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

704. CLEAN WATER ACT REGULATORY DEFINITION OF "WATERS OF THE UNITED STATES"

Priority: Substantive, Nonsignificant

CFR Citation: 33 CFR 328; 40 CFR 110; 40 CFR 112; 40 CFR 116; 40 CFR 117; 40 CFR 122; 40 CFR 230; 40 CFR 232; 40 CFR 257; 40 CFR 300; 40 CFR 401

Timetable:

Action	Date	FR Cite
ANPRM	01/15/03	68 FR 1991
ANPRM Comment	04/16/03	68 FR 9613
Period End		
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Russell Kaiser
Phone: 202 761-4614

RIN: 0710-AA50

705. 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)

Completed Actions

U.S. Army Corps of Engineers (COE)

706. PROGRAMMATIC REGULATIONS FOR THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

Priority: Other Significant

Legal Authority: PL 106-541

CFR Citation: 33 CFR 385

Legal Deadline: Final, Statutory, December 11, 2002.

Abstract: The U.S. Army Corps of Engineers was directed by Congress in section 601 of the Water Resources Development Act of 2000 (Pub. L. 106-541, 114 Stat. 2680) to develop a Comprehensive Everglades Restoration Plan (Plan) to restore and preserve south Florida's natural ecosystem, while enhancing water supplies and maintaining flood protection. To guide the development of the Plan, Congress also directed the Secretary of the Army, after notice and opportunity for public comment, to develop and implement programmatic regulations within 2 years (NLT December 11, 2002). The final programmatic regulations were published on November 12, 2003 (68

FR 64200). The programmatic regulations establish a process for developing project implementation reports, project cooperation agreements, and project operating manuals that will ensure the goals and the objectives of the Plan are achieved. The regulations also establish procedures developing and using any new information resulting from ecosystem changes or unforeseen circumstances in accordance with the principles of adaptive management contained in the Plan. Finally, the programmatic regulations will facilitate the re-establishment and protection of the natural system consistent with the interim and final goals of the Plan while providing thorough evaluation points during the 30-year project implementation schedule.

Timetable:

Action	Date	FR Cite
NPRM	08/02/02	67 FR 50540
NPRM Comment	10/01/02	
Period End		

Action	Date	FR Cite
Final Action	11/12/03	68 FR 64200
Final Action Effective	12/12/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

URL For More Information:
www.evergladesplan.org

Agency Contact: Chip Smith, Assistant for Environmental, Tribal, and Regulatory Affairs, Department of Defense, U.S. Army Corps of Engineers, 108 Army Pentagon 3E427, Washington, DC 20310-0108
Phone: 703 693-3655
Fax: 703 697-8433
Email: chip.smith@hqda.army.mil

RIN: 0710-AA49

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

Long-Term Actions

707. 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

Phone: 703 693-4006

Email: belton.clarence@hq.navy.mil

RIN: 0703-AA50

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

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 10 USC 801 to 940

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: The Department of the Navy is amending its regulations concerning requests from members of the public for official Department of the Navy information in connection with litigation to reflect recent changes to chapter VI of the Manual of the Judge Advocate General (JAGMAN).

Timetable:

Action	Date	FR Cite
Final Action	04/16/04	69 FR 20540

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Jason Terry
 Baltimore, DON Alternate **Federal Register** Liaison Officer, Department of Defense, Department of the Navy, Personnel Law Branch, Administrative Law Division, 1322 Patterson Avenue SE, Washington Navy Yard, DC 20374-5066

Phone: 703 604-8208

Fax: 703 604-6955

Email: jason.baltimore@navy.mil

RIN: 0703-AA74

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

Completed Actions

709. POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 44502

CFR Citation: 32 CFR 775 (Revision)

Legal Deadline: None

Abstract: The Department of the Navy is revising its regulations, which establish the responsibilities and procedures for complying with the National Environmental Policy Act (NEPA). This revision clarifies when certain Department of the Navy actions must be studied to determine their effect on the human environment and what types of activities are excluded from the NEPA documentation requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37069
NPRM Comment Period End	09/07/99	
Final Action	02/23/04	69 FR 8108
Final Action Effective	02/23/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Egeland,
 Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Installations and Environment), 2000 Navy Pentagon, Washington, DC 20350

Phone: 703 614-1173

RIN: 0703-AA51

710. • ADMIRALTY CLAIMS

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 10 USC 801 to 940

CFR Citation: 32 CFR 752

Legal Deadline: None

Abstract: The Department of the Navy is amending its regulations concerning the limit on the Secretary of the Navy's settlement authority on admiralty claims to reflect recent changes to chapter XII of the Manual of the Judge Advocate General (JAGMAN).

Timetable:

Action	Date	FR Cite
Final Action	04/16/04	69 FR 20542
Final Action Effective	04/16/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Jason Terry
 Baltimore, DON Alternate **Federal Register** Liaison Officer, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Personnel Law Branch, Administrative Law Division, 1322 Patterson Avenue SE, Washington Navy Yard, DC 20374-5066

Phone: 703 604-8208

Fax: 703 604-6955

Email: jason.baltimore@navy.mil

RIN: 0703-AA72

711. • LEGAL ASSISTANCE

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 10 USC 801 to 940

CFR Citation: 32 CFR 727

Legal Deadline: None

Abstract: The Department of the Navy is amending its regulations concerning the provision of legal assistance to military members and other persons eligible for legal assistance to reflect recent changes to chapter VII of the Manual of the Judge Advocate General (JAGMAN).

Timetable:

Action	Date	FR Cite
Final Action	04/16/04	69 FR 20541
Final Action Effective	04/16/04	

DOD—NAVY

Completed Actions

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: LCDR Jason Terry
Baltimore, DON Alternate **Federal Register** Liaison Officer, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Personnel Law Branch, Administrative Law Division, 1322 Patterson Avenue SE, Washington Navy Yard, DC 20374-5066

Phone: 703 604-8208

Fax: 703 604-6955

Email: jason.baltimore@navy.mil

RIN: 0703-AA73

712. • REGULATIONS SUPPLEMENTING THE MANUAL FOR COURTS-MARTIAL**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 10 USC 801 to 940**CFR Citation:** 32 CFR 719**Legal Deadline:** None

Abstract: The Department of the Navy is amending its regulations concerning the closure of pre-trial hearings from the public to reflect recent changes to chapter I of the Manual of the Judge Advocate General (JAGMAN).

Timetable:

Action	Date	FR Cite
Final Action	04/16/04	69 FR 20540
Final Action Effective	04/16/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: LCDR Jason Terry
Baltimore, DON Alternate **Federal Register** Liaison Officer, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Personnel Law Branch, Administrative Law Division, 1322 Patterson Avenue SE, Washington Navy Yard, DC 20374-5066

Phone: 703 604-8208

Fax: 703 604-6955

Email: jason.baltimore@navy.mil

RIN: 0703-AA75

Department of Defense (DOD)

Proposed Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

713. • 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 chapter 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	07/00/04	
NPRM Comment	09/00/04	
Period End		

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

Department of Defense (DOD)

Final Rule Stage

Office of Assistant Secretary for Health Affairs (DODOASHA)

714. 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	03/21/94	
Period End		
Final Action	07/00/04	
Final Action Effective	09/00/04	

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-AA20

715. 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

DOD—DODOASHA

Final Rule Stage

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	07/00/04	
Final Action Effective	09/00/04	

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

Phone: 303 676-3572

Email: stephen.isaacson@tma.osd.mil

RIN: 0720-AA41

716. 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	07/00/04	
Final Action Effective	09/00/04	

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

Phone: 303 676-3581

Fax: 303 676-3579

Email: margaret.brown@tma.osd.mil

RIN: 0720-AA49

717. 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	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Agency Contact: LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 703 681-3628

Email: kathleen.larkin@tma.osd.mil

RIN: 0720-AA50

718. 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	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis Required: No

DOD—DODOASHA

Final Rule Stage

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

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

Priority: Substantive, Nonsignificant

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	07/00/04	
Final Action Effective	09/00/04	

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-AA57

720. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES; 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	07/00/04	
Final Action Effective	09/00/04	

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

721. TRICARE; PRIME REMOTE FOR ACTIVE DUTY FAMILY MEMBERS

Priority: Substantive, Nonsignificant

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	07/00/04	
Final Action Effective	09/00/04	

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

722. 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	07/00/04	
Final Action Effective	09/00/04	

DOD—DODOASHA

Final Rule Stage

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

723. 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	07/00/04	
Final Action Effective	09/00/04	

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
Phone: 303 676-3581
Fax: 303 676-3579
Email: margaret.brown@tma.osd.mil

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

724. 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	07/00/04	
Final Action Effective	09/00/04	

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
Phone: 303 676-3572
Email: stephen.isaacson@tma.osd.mil

RIN: 0720-AA72

725. 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	07/00/04	
Final Action Effective	09/00/04	

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
Phone: 303 676-3494
Email: david.bennett@tma.osd.mil

RIN: 0720-AA73

DOD—DODOASHA

Final Rule Stage

726. TRICARE; CHAMPUS; APPEALS AND HEARINGS PROCEDURES, FORMAL REVIEW**Priority:** Info./Admin./Other**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule makes administrative corrections to 32 CFR part 199, section 199.10, "Appeal and Hearing Procedures." These corrections include revising section 199.10, adding paragraphs (c)(1) through (c)(5), and making other minor editorial changes. Paragraphs (c)(1) through (c)(5) were inadvertently omitted when the July 1, 1991, edition of title 32 of the CFR was published. The discovery that the formal review process was missing from section 199.10 occurred at the time TRICARE was tasked to promulgate an appeal process for TRICARE Claimcheck denials. This correction to section 199.10 is necessary to provide the required procedures to any party to an initial determination or reconsideration made by the CHAMPUS contractor and who may want to request formal review.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/03	68 FR 11973
Interim Final Rule	05/12/03	
Comment Period End		
Interim Final Rule	05/01/83	
Effective		
Interim Final Rule; Amendment	03/31/03	68 FR 15372
Interim Final Rule	05/01/83	
Effective; Amendment		
Final Action	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gail L. Jones, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676-3401

RIN: 0720-AA74**727. TRICARE PROGRAM; INCLUSION OF ANESTHESIOLOGIST'S ASSISTANTS AS AUTHORIZED PROVIDERS; COVERAGE OF CARDIAC REHABILITATION IN FREESTANDING CARDIAC REHABILITATION FACILITIES****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 category of provider as an authorized TRICARE provider, and it increases the settings where cardiac rehabilitation can be covered as a TRICARE benefit. It recognizes anesthesiologist's assistants as authorized providers under certain circumstances. It also authorizes cardiac rehabilitation services, which are already a covered TRICARE benefit when provided by hospitals, to be provided in freestanding cardiac rehabilitation facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/03/03	68 FR 16247
NPRM Comment	06/02/03	
Period End		
Final Action	07/00/04	
Final Action Effective	09/00/04	

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
Phone: 303 676-3572
Email: stephen.isaacson@tma.osd.mil

RIN: 0720-AA76**728. 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	06/16/03	
Period End		
Final Action	07/00/04	
Final Action Effective	09/00/04	

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

DOD—DODOASHA

Final Rule Stage

729. TRICARE: INDIVIDUAL CASE MANAGEMENT: PROGRAM FOR PERSONS WITH DISABILITIES: EXTENDED BENEFITS FOR DISABLED FAMILY MEMBERS OF ACTIVE DUTY SERVICE MEMBERS: CUSTODIAL CARE

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

Legal Authority: 5 USC 301; 10 USC chapter 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The Department is publishing this rule to implement requirements enacted by Congress in section 701(g) of the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02), Public Law 107-107, which terminates the Individual Case Management Program. The Department withdraws its proposed rule published at 66 FR 39699 to 39705, August 1, 2001, regarding the Individual Case Management Program. This rule also implements section 701(b) of the NDAA-02, which provides additional benefits for certain eligible active duty dependents by amending the TRICARE regulations at 32 CFR 199.5 governing the Program for Persons With Disabilities. The Program for Persons With Disabilities will now be called the Extended Care Health Option. Other administrative amendments are included to clarify specific policies that relate to the Extended Care Health Option, custodial care, and to update related definitions.

Timetable:

Action	Date	FR Cite
NPRM	08/06/03	68 FR 46526
NPRM Comment Period End	10/06/03	
Final Action	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 0720-AA78

730. TRICARE; ELIMINATION OF NONAVAILABILITY STATEMENT AND REFERRAL AUTHORIZATION REQUIREMENTS AND ELIMINATION OF SPECIALIZED TREATMENT SERVICES PROGRAM

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

Legal Authority: 5 USC 301; 10 USC chapter 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This rule implements section 735 of the National Defense Authorization Act for Fiscal Year 2002 (NDAA-02) (Pub. L. 107-107). It also implements section 728 of the National Defense Authorization Act for Fiscal Year 2001 (NDAA-01) (Pub. L. 106-398). Section 735 of NDAA-02 eliminates the requirement for TRICARE Standard beneficiaries who live within a 40-mile radius of a military medical treatment facility (MTF) to obtain a nonavailability statement (NAS) or preauthorization from an MTF before receiving inpatient care (other than mental health services) or maternity care from a civilian provider in order that TRICARE will cost-share for such services. Further, this section eliminates the NAS requirement for specialized treatment services (STSS) for TRICARE Standard beneficiaries who live outside the 200-mile radius of a designated STS facility. This rule portrays the Department's decision to eliminate the STS program entirely. Finally, section 728 of NDAA-01 requires that prior authorization before referral to a specialty care provider that is part of the contractor network be eliminated under any new TRICARE contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/03	68 FR 44878
Interim Final Rule Comment Period End	09/29/03	68 FR 44879
Interim Final Rule Effective	12/28/03	
Final Action	07/00/04	
Final Action Effective	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tariq Shahid, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301
Phone: 303 676-3801

RIN: 0720-AA79

731. 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 chapter 55

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This interim final rule contains several provisions found in the NDAA-03 (Public Law 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 Comment Period End	01/20/04	
Final Action	07/00/04	
Final Action Effective	09/00/04	

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-AA85

DOD—DODOASHA

Final Rule Stage

732. • TRICARE; COORDINATION OF BENEFITS BETWEEN TRICARE AND THE DEPARTMENT OF VETERANS AFFAIRS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC chapter 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	07/00/04	
Final Action Effective	09/00/04	

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

Phone: 303 676-3572

Email: stephen.isaacson@tma.osd.mil

Related RIN: Previously reported as 0720-AA86**RIN:** 0720-AA87

Department of Defense (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Completed Actions

733. CHAMPUS/TRICARE; IMPLEMENTATION OF THE PHARMACY BENEFITS PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements section 701 of the National Defense Authorization Act for Fiscal Year 2000. This rule establishes procedures for the inclusion of pharmaceutical agents on a uniform formulary based upon relative clinical effectiveness and cost effectiveness; establishes cost-sharing requirements, including a tiered co-payment structure, for generic, formulary and non-formulary pharmaceutical agents; establishes procedures to assure the availability of pharmaceutical agents not included on the uniform formulary to eligible beneficiaries at the non-formulary cost-share tier; establishes procedures to receive pharmaceutical agents not included on the uniform formulary, but considered clinically necessary, under the same terms and conditions as an agent on the uniform formulary; establishes procedures to assure the availability of clinically appropriate non-formulary pharmaceutical agents to members of the Uniformed Services; establishes procedures for prior authorization when required; and establishes a Department of Defense Pharmacy and Therapeutics Committee (DoD P&T Committee) and a Uniform Formulary Beneficiary Advisory Panel.

Other administrative amendments are also made to clarify specific policies that relate to the program.

Timetable:

Action	Date	FR Cite
NPRM	04/12/02	67 FR 17948
NPRM Comment Period End	06/11/02	
Final Action	04/01/04	69 FR 17035
Final Action Effective	05/03/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mike Kottyan, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3520

RIN: 0720-AA63**734. TRICARE PROGRAM; SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN OVERSEAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

Abstract: This rule implements section 674 of the National Defense Authorization Act for Fiscal Year 2000. Section 674 directed the Department of Defense to establish a program to provide supplemental food and

nutrition education services to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces to these locations. Congress directed that the Department implement the special supplemental nutrition program for Women, Infants, and Children (WIC) in a manner that provides a benefit that is "similar" to the benefit provided to participants in the Special Supplemental Nutrition Program for Women, Infants, and Children administered by the U.S. Department of Agriculture (USDA). Receipt of benefits under both the domestic WIC and the DoD programs is conditioned on applicants meeting specified eligibility criteria, i.e., categorical (pregnant, postpartum, breastfeeding women, infants or children up to age 5), residency, income and nutritional risk. the Department was directed to use the USDA eligibility criteria to the extent practicable. This rule specifies eligibility requirements, describes the benefits available under the program, and provides administrative guidance on program operation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/03	68 FR 43299
Interim Final Rule Comment Period End	09/22/03	
Interim Final Rule Effective	10/01/03	

DOD—DODOASHA

Completed Actions

Action	Date	FR Cite
Final Action	03/26/04	69 FR 15676
Final Action Effective	03/16/04	

Regulatory Flexibility Analysis
Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Danita Hunter,
Department of Defense, Office of
Assistant Secretary for Health Affairs,
1200 Defense Pentagon, Washington,
DC 20301

Phone: 703 681-0039

RIN: 0720-AA75

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