



# Federal Register

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**Monday,  
April 24, 2006**

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**Part V**

**Department of  
Defense**

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**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. 2

**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 October 31, 2005, 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 2006. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703-696-5282, or write to Information Management Division, Executive Services Directorate, Washington Headquarters Services, 1777 North Kent Street, RPN, Suite

11000, Arlington, VA 22209-2133, or e-mail: robert.cushing@whs.mil.

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

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

For general information on Office of the Secretary agenda items, which are procurement-related, contact Ms. Michele Peterson, telephone 703-602-0311, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: ichele.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, VA 22315-3860, or e-mail: brenda.bowen@rmda.belvoir.army.mil.

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

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

For general information on Department of the Air Force regulations, contact Mr. Lawrence Shade, telephone 703-588-6115, or write to Department of the Air Force, SAF/XCISI, 1500 Wilson Boulevard, Suite 220, Arlington, VA

22209-2133, or e-mail: lawrence.shade@pentagon.af.mil.

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

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

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

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

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

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

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:** February 23, 2006

**Howard G. Becker,**

*Deputy Director, Administration and Management.*

**Office of the Secretary—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
602	Armed Services Exchange Regulations (ASER) (DoD Instruction 1330.21) .....	0790-AH77
603	Voluntary State Tax Withholding From Retired Pay .....	0790-AH78
604	Emergency Security Control of Air Traffic (ESCAT) Plan .....	0790-AH81
605	Obtaining Information From Financial Institutions .....	0790-AH84
606	Guidance on Obtaining Information From Financial Institutions (DoD Instruction 5400.15) .....	0790-AH85
607	Transition Assistance for Military Personnel (DoD Directive 1332.35) .....	0790-AH89

**Office of the Secretary—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
608	Restoration Advisory Boards (RABs) .....	0790-AG31
609	Settling Personnel and General Claims and Processing Advance Decision Requests .....	0790-AG47
610	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	0790-AG76
611	Waiver of Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Directive 1340.21) .....	0790-AG90
612	Waiver Procedures for Debts Resulting From Erroneous Payments of Pay and Allowances (DoD Instruction 1340.23) .....	0790-AG91
613	Provision of Early Intervention and Special Education Services to Eligible DoD Dependents .....	0790-AH70
614	DoD Contractors' Safety Manual (DoD 4145.26-M) .....	0790-AH76
615	Department of Defense National Security Personnel System (NSPS) .....	0790-AH82
616	DoD Privacy Program (DoD Directive 5400.11) .....	0790-AH83
617	Sale or Rental of Sexually Explicit Material on DoD Property (DoD Instruction 4105.70) .....	0790-AH86
618	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7) and Personal Commercial Solicitation on DoD Installations Implementing Procedures (DoD Instruction 1344.aa) .....	0790-AH87
619	Naturalization of Aliens Serving in the Armed Forces of the United States and of Alien Spouses and/or Alien Adopted Children of Military and Civilian Personnel Ordered Overseas .....	0790-AH88
620	Management and Mobilization of Regular and Reserve Retired Military Members .....	0790-AH92
621	User Charges .....	0790-AH93
622	Financial Assistance to Local Educational Agencies (LEAs)(DoD Instruction 1342.18) .....	0790-AH95

**Office of the Secretary—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
623	National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) .....	0790-AF59
624	Personnel Security Policies for Granting Access to Classified Information .....	0790-AG54
625	National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity .....	0790-AG55
626	National Policy on Technical Surveillance Countermeasures .....	0790-AG56
627	Review of the Manual for Courts-Martial (DoD Directive 5500.17) .....	0790-AG99
628	Defense Contract Management Agency Freedom of Information Act (FOIA) Program .....	0790-AH00
629	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

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## Office of the Secretary—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
630	Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members (DoDI 5525.11) .....	0790-AH73
631	Supplemental Standards of Ethical Conduct for Employees of the Department of Defense .....	0790-AH74
632	Revitalizing Base Closure Communities and Addressing Impacts of Realignment .....	0790-AH91
633	Compliance of DoD Members, Employees, and Family Members Outside the United States With Court Orders .....	0790-AH94

## Defense Acquisition Regulations Council—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
634	Protests, Disputes, and Appeals (DFARS Case 2003-D010) .....	0750-AE01
635	Small Business Programs (DFARS Case 2003-D047) .....	0750-AE93
636	Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010) .....	0750-AF22
637	Buy American Act Exemption for Commercial Information Technology (DFARS Case 2005-D011) .....	0750-AF23
638	Reports of Government Property (DFARS Case 2005-D015) .....	0750-AF24
639	Patents, Data, and Copyrights (DFARS Case 2003-D049) .....	0750-AF26
640	Electronic Submission and Processing of Payment Requests (DFARS Case 2005-D009) .....	0750-AF28
641	Contracting Officers' Representatives (DFARS Case 2005-D022) .....	0750-AF30

## Defense Acquisition Regulations Council—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
642	Incremental Funding, Fixed-Price Contracts (DFARS Case 1990-037) .....	0750-AA07
643	Patent Rights—Ownership by the Contractor (Large Business) (DFARS Case 2001-D015) .....	0750-AD72
644	Threshold for Small Business Specialist Review (DFARS Case 2003-D060) .....	0750-AE30
645	Transition of Weapons-Related Prototype Projects to Follow-On Contracts (DFARS Case 2003-D106) .....	0750-AE49
646	Basic Agreements for Telecommunications Services (DFARS Case 2003-D056) .....	0750-AE69
647	Contract Pricing and Cost Accounting Standards (DFARS Case 2003-D014) .....	0750-AE71
648	Exchange or Sale of Government-Owned Information Technology (DFARS Case 2003-D094) .....	0750-AE72
649	Material Inspection and Receiving Report (DFARS Case 2003-D085) .....	0750-AE73
650	Uniform Contract Line Item Numbering (DFARS Case 2003-D082) .....	0750-AE76
651	Administrative Matters (DFARS Case 2003-D084) .....	0750-AE77
652	Business Restructuring Costs (DFARS Case 2004-D026) .....	0750-AE79
653	Sole Source Award of 8(a) Contracts to Native Hawaiian-Owned Small Business Concerns (DFARS Case 2004-D031) .....	0750-AE81
654	Quality Assurance (DFARS Case 2003-D027) .....	0750-AE85
655	Transportation (DFARS Case 2003-D028) .....	0750-AE89
656	Construction Contracting (DFARS Case 2003-D034) .....	0750-AE91
657	Acquisition Planning (DFARS Case 2003-D044) .....	0750-AE92
658	Contract Termination (DFARS Case 2003-D046) .....	0750-AE94
659	Authorization for Continued Contracts (DFARS Case 2003-D052) .....	0750-AE95
660	Contract Administration Functions (DFARS Case 2003-D051) .....	0750-AE96
661	Contractor Insurance/Pension Reviews (DFARS Case 2003-D050) .....	0750-AE97
662	Acquisition of Information Technology (DFARS Case 2003-D068) .....	0750-AE98
663	Describing Agency Needs (DFARS Case 2003-D073) .....	0750-AE99
664	Required Sources of Supplies and Services (DFARS Case 2003-D072) .....	0750-AF00
665	Special Contracting Methods (DFARS Case 2003-D079) .....	0750-AF02
666	Types of Contracts (DFARS Case 2003-D078) .....	0750-AF03
667	Application of Labor Laws to Government Acquisitions (DFARS Case 2003-D019) .....	0750-AF06
668	Combating Trafficking in Persons (DFARS Case 2004-D017) .....	0750-AF11
669	Notification Requirements for Critical Safety Items (DFARS Case 2004-D008) .....	0750-AF12
670	Export-Controlled Information and Technology (DFARS Case 2004-D010) .....	0750-AF13
671	Levy on Payments to Contractors (DFARS Case 2004-D033) .....	0750-AF14
672	Prohibition of Foreign Taxation on U.S. Assistance Programs (DFARS Case 2004-D012) .....	0750-AF15

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## Defense Acquisition Regulations Council—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
673	Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2004-D022) .....	0750-AF16
674	Restriction on Carbon, Alloy, and Armor Steel Plate (DFARS Case 2005-D002) .....	0750-AF17
675	Contract Reporting (DFARS Case 2005-D004) .....	0750-AF18
676	Earned Value Management Systems (DFARS Case 2005-D006) .....	0750-AF19
677	Training for Contractor Personnel Interacting With Detainees (DFARS Case 2005-D007) .....	0750-AF20
678	Foreign Acquisition Procedures (DFARS Case 2005-D012) .....	0750-AF21
679	Contractor Personnel Authorized To Accompany U.S. Armed Forces (DFARS Case 2005-D013) .....	0750-AF25
680	Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning (DFARS Case 2006-D010) .....	0750-AF27
681	Trade Agreements Thresholds and Morocco Free Trade Agreement (DFARS Case 2005-D017) .....	0750-AF29
682	Radio Frequency Identification (DFARS Case 2006-D002) .....	0750-AF31
683	Berry Amendment Exceptions—Acquisition of Perishable Food and Fish, Shellfish, or Seafood (DFARS Case 2006-D005) .....	0750-AF32
684	Berry Amendment—Notification Requirement and Clothing Materials and Components (DFARS Case 2006-D006) .....	0750-AF33
685	Prohibition on Procurements From Communist Chinese Military Companies (DFARS Case 2006-D007) .....	0750-AF34
686	Purchase of Weapons Overseas for Force Protection Purposes (DFARS Case 2006-D008) .....	0750-AF35
687	Limitation on Tiered Evaluation of Offers (DFARS Case 2006-D009) .....	0750-AF36
688	Security-Guard Services Contracts (DFARS Case 2006-D011) .....	0750-AF37
689	Procurement of Major Weapon Systems as Commercial Items (DFARS Case 2006-D012) .....	0750-AF38
690	Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006-D013) .....	0750-AF39
691	Evaluation Factor for Employing or Subcontracting With Members of the Armed Forces Reserve (DFARS Case 2006-D014) .....	0750-AF40
692	Congressional Notification of Award of Architect-Engineer Services / Military Family Housing Contracts (DFARS Case 2006-D015) .....	0750-AF41
693	Aviation Into-Plane Reimbursement (AIR) Card (DFARS Case 2006-D017) .....	0750-AF42

## Defense Acquisition Regulations Council—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
694	Codification and Modification of Berry Amendment (DFARS Case 2002-D002) .....	0750-AD76

## Defense Acquisition Regulations Council—Completed Actions

Sequence Number	Title	Regulation Identifier Number
695	Approval of Service Contracts and Task Orders (DFARS Case 2002-D024) .....	0750-AD81
696	Purchase Card Internal Controls (DFARS Case 2002-D025) .....	0750-AD87
697	Contract Period for Task and Delivery Order Contracts (DFARS Case 2003-D097) .....	0750-AE25
698	Consolidation of Contract Requirements (DFARS Case 2003-D109) .....	0750-AE48
699	Free Trade Agreements—Australia and Morocco (DFARS Case 2004-D013) .....	0750-AE59
700	Acquisition of Ball and Roller Bearings (DFARS Case 2003-D021) .....	0750-AE60
701	Specialized Service Contracting (DFARS Case 2003-D041) .....	0750-AE62
702	Acquisition of Telecommunications Services (DFARS Case 2003-D055) .....	0750-AE63
703	Utility Rates Established by Regulatory Bodies (DFARS Case 2003-D096) .....	0750-AE64
704	Acquisition of Utility Services (DFARS Case 2003-D069) .....	0750-AE65
705	Extraordinary Contractual Actions (DFARS Case 2003-D048) .....	0750-AE66
706	Update of Clauses for Telecommunications Services (DFARS Case 2003-D053) .....	0750-AE67
707	Information Technology Equipment—Screening of Government Inventory (DFARS Case 2003-D054) .....	0750-AE68
708	Foreign Acquisition (DFARS Case 2003-D008) .....	0750-AE70
709	Micro-Purchases Not Using the Governmentwide Purchase Card (DFARS Case 2003-D059) .....	0750-AE74
710	Simplified Acquisition Procedures (DFARS Case 2003-D075) .....	0750-AE75
711	Contract Financing (DFARS Case 2003-D043) .....	0750-AE78
712	DoD Pilot Mentor-Protégé Program (DFARS Case 2004-D028) .....	0750-AE80
713	Incentive Program for Use of Domestic Machine Tools and Other Capital Assets (DFARS Case 2005-D003) .....	0750-AE83

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## Defense Acquisition Regulations Council—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
714	Subcontracting Policies and Procedures (DFARS Case 2003-D025) .....	0750-AE86
715	Contract Modifications (DFARS Case 2003-D024) .....	0750-AE87
716	Socioeconomic Programs (DFARS Case 2003-D029) .....	0750-AE88
717	Environment, Occupational Safety, and Drug-Free Workplace (DFARS Case 2003-D039) .....	0750-AE90
718	Component Breakout (DFARS Case 2003-D071) .....	0750-AF01
719	Contracting by Negotiation (DFARS Case 2003-D077) .....	0750-AF04
720	Contract Administration (DFARS Case 2003-D023) .....	0750-AF05
721	Competition Requirements for Federal Supply Schedules and Multiple Award Contracts (DFARS Case 2004-D009) .....	0750-AF08
722	Contractor Performance of Acquisition Functions Closely Associated With Inherently Governmental Functions (DFARS Case 2004-D021) .....	0750-AF09

## Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
723	Law Enforcement Reporting .....	0702-AA52

## Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
724	Foreign Acquisition .....	0702-AA38
725	Solicitation Provisions and Contract Clauses .....	0702-AA39
726	Decorations, Medals, Ribbons, and Similar Devices .....	0702-AA41
727	The Freedom of Information Act Program .....	0702-AA45
728	Obtaining Information From Financial Institutions .....	0702-AA49
729	Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations .....	0702-AA50
730	Personnel Review Board .....	0702-AA51

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

Sequence Number	Title	Regulation Identifier Number
731	Regulatory Program of the Army Corps of Engineers and Historic Properties .....	0710-AA51
732	Compensatory Mitigation for Losses of Aquatic Resources .....	0710-AA55

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

Sequence Number	Title	Regulation Identifier Number
733	Nationwide Permit Program Regulations .....	0710-AA60
734	Navigation Regulations—Bonneville Lock and Dam .....	0710-AA63

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

Sequence Number	Title	Regulation Identifier Number
735	Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA) .....	0710-AA42

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

Sequence Number	Title	Regulation Identifier Number
736	Cost-Sharing Requirements Under the Ability To Pay Provisions .....	0710-AA44

## U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
737	Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis .....	0710-AA43
738	Special Events Rule .....	0710-AA53
739	Navigation Regulations—Lake Washington Ship Canal .....	0710-AA62

## Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
740	Shipbuilding Capability Preservation Agreements .....	0703-AA50

## Office of Assistant Secretary for Health Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
741	TRICARE; Changes to DRG and Inpatient Mental Health Payment Systems .....	0720-AA91
742	TRICARE Implementation of Changes to the Pharmacy Benefits Program; Double Coverage With Medicare Part D .....	0720-AA94

## Office of Assistant Secretary for Health Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
743	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care .....	0720-AA20
744	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions .....	0720-AA41
745	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage .....	0720-AA50
746	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials .....	0720-AA56
747	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management Program for Persons With Extraordinary Conditions (ICMP-PEC) .....	0720-AA65
748	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Voluntary Disenrollment From the TRICARE Retiree Dental Program (TRDP) .....	0720-AA69
749	TRICARE; Coordination of Benefits Between TRICARE and the Department of Veterans Affairs .....	0720-AA87
750	TRICARE Program; Rare Diseases Definition and Partial List of Examples of Unproven Drugs, Devices, Medical Treatments, or Procedures .....	0720-AA88
751	TRICARE Reserve Select for Certain Members of the Selected Reserve, Transitional Assistance Management Program, Early Eligibility for TRICARE for Certain Reserve Component Members .....	0720-AA90
752	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2005; TRICARE Dental Program .....	0720-AA93
753	CHAMPUS/TRICARE; Coverage of Phase II and Phase III Clinical Trails Sponsored by the National Institutes of Health National Cancer Institute .....	0720-AA96
754	TRICARE Prime Remote for Active Duty Family Members and TRICARE Prime Enrollment Period .....	0720-AA97

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Office of Assistant Secretary for Health Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
755	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices .....	0720-AA49
756	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials .....	0720-AA57
757	TRICARE; Prime Remote for Active Duty Family Members .....	0720-AA68
758	TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of the TRICARE Prime Enrollment Period .....	0720-AA72
759	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
760	TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03) .....	0720-AA85
761	TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program (TDP) .....	0720-AA92

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

Proposed Rule Stage

**602. ARMED SERVICES EXCHANGE REGULATIONS (ASER) (DOD INSTRUCTION 1330.21)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301

**CFR Citation:** 32 CFR 50

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0790-AH77

**603. VOLUNTARY STATE TAX WITHHOLDING FROM RETIRED PAY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 1045

**CFR Citation:** 32 CFR 78

**Legal Deadline:** None

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

**Timetable:**

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

**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

**604. EMERGENCY SECURITY CONTROL OF AIR TRAFFIC (ESCAT) PLAN**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 32 CFR 245

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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

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

**RIN:** 0790-AH81

**605. OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 12 USC 3401

**CFR Citation:** 32 CFR 275

**Legal Deadline:** None

**Abstract:** The Department of Defense is proposing to revise its current policies concerning obtaining information from financial institutions under the Right to Financial Privacy Act of 1978, as amended (12 United States Code chapter 35). This part prescribes practices and procedures for the Department of Defense to obtain from a financial institution the financial records of its customers.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/06	71 FR 5631



## DOD—OS

## Proposed Rule Stage

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

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

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

**RIN:** 0790-AH84**606. GUIDANCE ON OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS (DOD INSTRUCTION 5400.15)****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 276**Legal Deadline:** None

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

**Timetable:**

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

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

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

**RIN:** 0790-AH85**607. TRANSITION ASSISTANCE FOR MILITARY PERSONNEL (DOD DIRECTIVE 1332.35)**

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

**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 88**Legal Deadline:** None

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

**Timetable:**

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

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

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

**RIN:** 0790-AH89

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## Office of the Secretary (OS)

**608. RESTORATION ADVISORY BOARDS (RABS)****Priority:** Other Significant**Legal Authority:** 5 USC 551 et seq; 10 USC 2705**CFR Citation:** 32 CFR 202**Legal Deadline:** NPRM, Statutory, September 15, 1996.

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

establishing and operating RABs over the past 2 years.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Patricia Ferreebe, Department of Defense, Office of the

Secretary, Defense Pentagon, Washington, DC 20301  
Phone: 703 571-9060

**RIN:** 0790-AG31**609. 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

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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	12/00/06	
Final Action Effective	12/00/06	

**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:** Christine Kopocis, Department of Defense, Office of the Secretary, 1160 Defense Pentagon, Washington, DC 20301  
Phone: 703 696-1809

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

**RIN:** 0790-AG47**610. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 113**CFR Citation:** 32 CFR 22; 32 CFR 32**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/00	65 FR 14405
Interim Final Rule Effective	04/17/00	
Interim Final Rule Comment Period End	05/15/00	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

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

**RIN:** 0790-AG76**611. WAIVER OF DEBTS RESULTING FROM ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES (DOD DIRECTIVE 1340.21)****Priority:** Other Significant**Legal Authority:** 5 USC 5584; 10 USC 2774; 32 USC 716**CFR Citation:** 32 CFR 283**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68963
NPRM Comment Period End	01/13/03	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Michael Hipple, Department of Defense, Office of the

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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

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

**Priority:** Other Significant

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

**CFR Citation:** 32 CFR 284

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	11/14/02	67 FR 68965
NPRM Comment Period End	01/13/03	
Final Action	12/00/06	
Final Action Effective	12/00/06	

**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

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 301

**CFR Citation:** 32 CFR 57

**Legal Deadline:** None

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

#### Timetable:

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

#### 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

### 614. DOD CONTRACTORS' SAFETY MANUAL (DOD 4145.26-M)

**Priority:** Other Significant

**Legal Authority:** 5 USC 301

**CFR Citation:** 32 CFR 184

**Legal Deadline:** None

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

#### Timetable:

Action	Date	FR Cite
NPRM	03/29/05	70 FR 16038
NPRM Comment Period End	05/31/05	70 FR 16038
Final Action	12/00/06	
Final Action Effective	12/00/06	

#### 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

### 615. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)

**Priority:** Other Significant

**Legal Authority:** 5 USC 9902

**CFR Citation:** 5 CFR 9901

**Legal Deadline:** None

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

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requirements and protects the civil service rights of its employees.

**Timetable:**

Action	Date	FR Cite
NPRM	02/14/05	70 FR 7552
NPRM Comment Period End	03/16/05	
Final Action	10/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Brad Bunn, Department of Defense, Office of the Secretary, Pentagon, Washington, DC 20301

Phone: 703 696-7770

Email: brad.bunn@cpms.osd.mil

**RIN:** 0790-AH82**616. DOD PRIVACY PROGRAM (DOD DIRECTIVE 5400.11)****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552a**CFR Citation:** 32 CFR 310**Legal Deadline:** None

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

**Timetable:**

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

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

**Agency Contact:** Mr. Vahan Moushegian, Department of Defense, Office of the Secretary, Department of Defense, Washington Headquarters Services, Defense Pentagon, Washington, DC 20301

Phone: 703 607-2944

**RIN:** 0790-AH83**617. SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON DOD PROPERTY (DOD INSTRUCTION 4105.70)****Priority:** Other Significant**Legal Authority:** 10 USC 2489a**CFR Citation:** 32 CFR 235**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/19/05	70 FR 75091
NPRM Comment Period End	02/17/06	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Frank A Stich, Department of Defense, Office of the Secretary, 1160 Defense Pentagon, Washington, DC 20301

Phone: 703 602-4590

**RIN:** 0790-AH86**618. PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7) AND PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS IMPLEMENTING PROCEDURES (DOD INSTRUCTION 1344.AA)****Priority:** Other Significant**Legal Authority:** 5 USC 301**CFR Citation:** 32 CFR 50**Legal Deadline:** None

**Abstract:** This rule continues the established annual DoD registration requirements for life insurance companies operating on all DoD installations. It continues the established requirement for the sale of insurance and securities on DoD installations overseas. This rule

identifies prohibited practices that may cause withdrawal of commercial solicitation privileges on DoD installations and establishes notification requirements when privileges are withdrawn. This rule establishes procedures for persons solicited on DoD installations to evaluate solicitors, and it identifies procedures for providing financial education programs to military personnel.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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

Phone: 703 602-5009

**RIN:** 0790-AH87**619. NATURALIZATION OF ALIENS SERVING IN THE ARMED FORCES OF THE UNITED STATES AND OF ALIEN SPOUSES AND/OR ALIEN ADOPTED CHILDREN OF MILITARY AND CIVILIAN PERSONNEL ORDERED OVERSEAS**

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

**Unfunded Mandates:** Undetermined**Legal Authority:** Not Yet Determined**CFR Citation:** 32 CFR 94**Legal Deadline:** None

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

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**Timetable:**

Action	Date	FR Cite
Final Action	10/00/06	

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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

**RIN:** 0790-AH88**620. MANAGEMENT AND MOBILIZATION OF REGULAR AND RESERVE RETIRED MILITARY MEMBERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 688; 10 USC 973; 10 USC 12301(a)**CFR Citation:** 32 CFR 64**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Daniel Kohner, Department of Defense, Office of the Secretary, 4000 Defense Pentagon, Washington, DC 20301  
Phone: 703 693-7479  
Email: dkohner@osd.pentagon.mil

**RIN:** 0790-AH92**621. • USER CHARGES****Priority:** Other Significant**Legal Authority:** 31 USC 9701**CFR Citation:** 32 CFR 204**Legal Deadline:** None

**Abstract:** The Department of Defense is revising 32 CFR part 204 to better align it with OMB Circular A-25 "User Charges." This part provides guidelines to establish appropriate charges for authorized services supplied by Department of Defense organizations when such services provide special benefits to an identifiable recipient beyond those that accrue to the general public.

**Timetable:**

Action	Date	FR Cite
NPRM	01/26/06	71 FR 4332
NPRM Comment Period End	03/27/06	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Tom Summers, Department of Defense, Office of the

Secretary, 1160 Defense Pentagon, Washington, DC 20301  
Phone: 703 602-0299

**RIN:** 0790-AH93**622. • FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES (LEAS)(DOD INSTRUCTION 1342.18)****Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 7703**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** This rule updates responsibilities and procedures to provide financial assistance to eligible local educational agencies (LEAs) to benefit dependent students of members of the Armed Forces and DoD civilian employees. It also assigns responsibilities and prescribes procedures for providing payments to eligible LEAs that provide services to military dependent children with severe disabilities.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Gary Woods, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301  
Phone: 703 602-4949  
Email: gary.woods@osd.mil

**RIN:** 0790-AH95

Department of Defense (DOD)

Completed Actions

Office of the Secretary (OS)

**623. 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	
Withdrawn	01/13/06	

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## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Agency Contact:** E. Collier, Department of Defense, Office of the Secretary, 1160 Defense Pentagon, Washington, DC 20301

Phone: 703 696-5670

Email: nsep@nsep.policy.osd.mil

**RIN:** 0790-AF59**624. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 147**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/98	63 FR 4572
Interim Final Rule Effective	03/24/98	
Interim Final Rule Comment Period End	03/31/98	
Withdrawn	01/13/06	

**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**625. NATIONAL POLICY ON RECIPROCITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCITY****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 148**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4580
Interim Final Rule	01/30/98	63 FR 4580
Interim Final Rule Comment Period End	03/31/98	
Withdrawn	01/13/06	

**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**626. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES****Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12968**CFR Citation:** 32 CFR 149**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/16/97	63 FR 4582
Interim Final Rule	01/30/98	63 FR 4582
Interim Final Rule Comment Period End	03/31/98	
Withdrawn	01/13/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Terence Thompson, Department of Defense, Office of theSecretary, Defense Pentagon, Washington, DC 20301  
Phone: 703 602-9969**RIN:** 0790-AG56**627. 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

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## Completed Actions

Action	Date	FR Cite
Interim Final Rule	06/20/03	68 FR 36915
Interim Final Rule	08/19/03	
Comment Period End		
Withdrawn	01/13/06	

**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

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552**CFR Citation:** 32 CFR 289**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Withdrawn	01/13/06	

**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

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

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 106-181; PL  
107-314**CFR Citation:** 32 CFR 207**Legal Deadline:** None

**Abstract:** This rule prescribes regulations to implement section 740 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Pub. L. 106-181) and section 1051 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). The regulations will establish procedures for the sale of excess Department of Defense aircraft to persons or entities that provide oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/22/03	68 FR 27904
Interim Final Rule Effective	05/22/03	
Interim Final Rule Comment Period End	07/21/03	
Withdrawn	01/13/06	

**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

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

**Priority:** Other Significant**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	12/22/05	70 FR 75998
Second NPRM	12/22/05	70 FR 75998
NPRM Withdrawn	01/20/06	71 FR 3254
Second NPRM Comment Period End	02/26/06	
Final Action	02/22/06	71 FR 8946
Final Action Effective	03/03/05	

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

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

**RIN:** 0790-AH73

### 631. 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

## DOD—OS

## Completed Actions

**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	
Withdrawn	01/13/06	

**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**632. REVITALIZING BASE CLOSURE COMMUNITIES AND ADDRESSING IMPACTS OF REALIGNMENT****Priority:** Other Significant**Legal Authority:** 10 USC 113; 10 USC 2687 note**CFR Citation:** 32 CFR 174; 32 CFR 175; 32 CFR 176**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/09/05	70 FR 15698
NPRM Comment Period End	10/10/05	70 FR 15698
Final Action	02/28/06	71 FR 9910
Final Action Effective	02/28/06	

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

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

**RIN:** 0790-AH91**633. • COMPLIANCE OF DOD MEMBERS, EMPLOYEES, AND FAMILY MEMBERS OUTSIDE THE UNITED STATES WITH COURT ORDERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC ch 212**CFR Citation:** 32 CFR 146**Legal Deadline:** None

**Abstract:** Chapter 212 of title 18, United States Code (Military Extraterritorial Jurisdiction Act of 2000 (MEJA)) establishes Federal criminal jurisdiction over whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year (i.e., a felony offense) while employed by or accompanying the Armed Forces outside the United States, certain members of the Armed Forces subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), and former members of the Armed Forces.

**Timetable:**

Action	Date	FR Cite
Final Action	02/24/06	71 FR 9451
Final Action Effective	02/24/06	

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

**Agency Contact:** Marsha Mouyal, Department of Defense, Office of the Secretary, Defense Pentagon, Washington, DC 20301  
Phone: 703 695-3657  
Email: mouyalm@dodgc.osd.mil

**RIN:** 0790-AH94

## Department of Defense (DOD)

## Defense Acquisition Regulations Council (DARC)

## Proposed Rule Stage

**634. 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 the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to protests, disputes, and appeals.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

**RIN:** 0750-AE01**635. SMALL BUSINESS PROGRAMS (DFARS CASE 2003-D047)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	

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



## DOD—DARC

## Proposed Rule Stage

**Agency Contact:** Michele Peterson,  
Department of Defense, Defense  
Acquisition Regulations Council, 3062  
Defense Pentagon, Washington, DC  
20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AE93

### 636. DEFINITIONS OF COMPONENT AND DOMESTIC MANUFACTURE (DFARS CASE 2005-D010)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 225; 48 CFR 252

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson,  
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Defense Pentagon, Washington, DC  
20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AF22

### 637. BUY AMERICAN ACT EXEMPTION FOR COMMERCIAL INFORMATION TECHNOLOGY (DFARS CASE 2005-D011)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-447, sec 517

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

### Regulatory Flexibility Analysis Required:

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson,  
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20301-3062  
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**RIN:** 0750-AF23

### 638. REPORTS OF GOVERNMENT PROPERTY (DFARS CASE 2005-D015)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 245; 48 CFR 252

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14151
NPRM Comment Period End	04/20/06	
Final Action	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson,  
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Acquisition Regulations Council, 3062  
Defense Pentagon, Washington, DC  
20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AF24

### 639. • PATENTS, DATA, AND COPYRIGHTS (DFARS CASE 2003-D049)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 2320; 10 USC 2321

**CFR Citation:** 48 CFR 227; 48 CFR 252.227

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative pertaining to the acquisition of technical data, computer software, and computer software documentation.

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson,  
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Defense Pentagon, Washington, DC  
20301-3062  
Phone: 703 602-0311  
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**RIN:** 0750-AF26

### 640. • ELECTRONIC SUBMISSION AND PROCESSING OF PAYMENT REQUESTS (DFARS CASE 2005-D009)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 232.70; 48 CFR 252.232-7003

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to update policy addressing requirements for DoD contractors to submit payment requests in electronic form. Clarifies the situations under which DoD will grant exceptions to requirements for electronic submission of payment requests.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/06	71 FR 14149
NPRM Comment Period End	05/22/06	
Final Action	07/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

## DOD—DARC

## Proposed Rule Stage

Email: michele.peterson@osd.mil

RIN: 0750-AF28

**641. • CONTRACTING OFFICERS' REPRESENTATIVES (DFARS CASE 2005-D022)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 201.602-2

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to clarify the authority of personnel designated as contracting officers' representatives. Also relocates procedures regarding designation of a contracting officer's representative, to the new DFARS companion resource, Procedures, Guidance, and Information.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AF30

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

**Final Rule Stage**

**642. 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	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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Email: michele.peterson@osd.mil

**Related RIN:** Previously reported as 0790-AE42

RIN: 0750-AA07

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/30/04	69 FR 58377
NPRM Comment Period End	11/01/04	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AD72

**644. 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 under \$100,000 and totally set aside for small business concerns. Also proposes to relocate text

addressing the functions of small business specialists to the new DFARS companion resource, Procedures, Guidance, and Information.

**Timetable:**

Action	Date	FR Cite
NPRM	04/23/04	69 FR 21997
NPRM Comment Period End	06/22/04	
Final Action	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

RIN: 0750-AE30

**645. TRANSITION OF WEAPONS-RELATED PROTOTYPE PROJECTS TO FOLLOW-ON CONTRACTS (DFARS CASE 2003-D106)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-136, sec 847

**CFR Citation:** 48 CFR 212.212; 48 CFR 212.70

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to establish a pilot program that permits contracting officers to use FAR part 12 (Acquisition of Commercial Items) procedures to award follow-on contracts for the production of items begun as prototype

**643. 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

## DOD—DARC

## Final Rule Stage

projects under other transaction agreements. The follow-on contract must be awarded to a nontraditional defense contractor; must not exceed \$50,000,000; must be either firm-fixed-price or fixed-price with economic price adjustment; and must be awarded on or before September 30, 2008. This change implements section 847 of the National Defense Authorization Act for Fiscal Year 2004 and is intended to ease the transition of nontraditional defense contractors from prototype transactions to standard contracts.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/01/04	69 FR 63329
Interim Final Rule Comment Period End	01/03/05	
Final Action	05/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AE49

**646. BASIC AGREEMENTS FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D056)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.74**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67883
NPRM Comment Period End	01/21/05	
Final Action	06/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AE69

**647. CONTRACT PRICING AND COST ACCOUNTING STANDARDS (DFARS CASE 2003-D014)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 215.4; 48 CFR 230; 48 CFR 252.215-7002; 48 CFR 253.215-70

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to contract pricing matters and cost accounting standards administration.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/05	70 FR 75440
NPRM Comment Period End	02/21/06	
Final Action	09/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0311  
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**Related RIN:** Merged with 0750-AE10  
**RIN:** 0750-AE71

**648. EXCHANGE OR SALE OF GOVERNMENT-OWNED INFORMATION TECHNOLOGY (DFARS CASE 2003-D094)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.70**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement

recommendations resulting from the DFARS Transformation Initiative that pertain to the exchange or sale of Government-owned information technology.

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54697
NPRM Comment Period End	11/15/05	
Final Action	09/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AE72

**649. MATERIAL INSPECTION AND RECEIVING REPORT (DFARS CASE 2003-D085)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR ch 2, app F**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39975
NPRM Comment Period End	09/12/05	
Final Action	10/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062  
Phone: 703 602-0311  
Email: michele.peterson@osd.mil  
**RIN:** 0750-AE73

## DOD—DARC

## Final Rule Stage

**650. UNIFORM CONTRACT LINE ITEM NUMBERING (DFARS CASE 2003–D082)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.71**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to uniform line item numbering in DoD contracts.

**Timetable:**

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

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

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

Phone: 703 602–0311

Email: michele.peterson@osd.mil

**RIN:** 0750–AE76**651. ADMINISTRATIVE MATTERS (DFARS CASE 2003–D084)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.1; 48 CFR 204.4; 48 CFR 204.9**Legal Deadline:** None

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

**Timetable:**

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

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

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

Phone: 703 602–0311

Email: michele.peterson@osd.mil

**RIN:** 0750–AE77**652. BUSINESS RESTRUCTURING COSTS (DFARS CASE 2004–D026)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2325**CFR Citation:** 48 CFR 231.205–70**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43074
Interim Final Rule Comment Period End	09/26/05	
Final Action	04/00/06	

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

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

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**RIN:** 0750–AE79**653. SOLE SOURCE AWARD OF 8(A) CONTRACTS TO NATIVE HAWAIIAN-OWNED SMALL BUSINESS CONCERNS (DFARS CASE 2004–D031)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–287, sec 8021**CFR Citation:** 48 CFR 219.805**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 8021 of the DoD Appropriations Act for Fiscal Year 2005. Section 8021 permits sole source awards to Native Hawaiian

small business concerns under the 8(a) Program.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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

Phone: 703 602–0311

Email: michele.peterson@osd.mil

**RIN:** 0750–AE81**654. QUALITY ASSURANCE (DFARS CASE 2003–D027)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 246**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/24/05	70 FR 29710
NPRM Comment Period End	07/25/05	
Final Action	06/00/06	

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

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

Phone: 703 602–0311

Email: michele.peterson@osd.mil

**RIN:** 0750–AE85**655. TRANSPORTATION (DFARS CASE 2003–D028)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421

## DOD—DARC

## Final Rule Stage

**CFR Citation:** 48 CFR 247**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43109
NPRM Comment Period End	09/26/05	
Final Action	10/00/06	

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

**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

Phone: 703 602-0311

Email: michele.peterson@osd.mil

**RIN:** 0750-AE89**656. CONSTRUCTION CONTRACTING (DFARS CASE 2003-D034)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 236.1; 48 CFR 236.2**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35605
NPRM Comment Period End	08/22/05	
Final Action	04/00/06	

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

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**RIN:** 0750-AE91**657. ACQUISITION PLANNING (DFARS CASE 2003-D044)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 207**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54693
NPRM Comment Period End	11/15/05	
Final Action	10/00/06	

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

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**RIN:** 0750-AE92**658. CONTRACT TERMINATION (DFARS CASE 2003-D046)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 249**Legal Deadline:** None

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

**Timetable:**

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

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

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**RIN:** 0750-AE94**659. AUTHORIZATION FOR CONTINUED CONTRACTS (DFARS CASE 2003-D052)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204.7001**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23826
NPRM Comment Period End	07/05/05	
Final Action	06/00/06	

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

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**RIN:** 0750-AE95**660. CONTRACT ADMINISTRATION FUNCTIONS (DFARS CASE 2003-D051)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242.302**Legal Deadline:** None

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

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**Timetable:**

Action	Date	FR Cite
NPRM	11/09/05	70 FR 67955
NPRM Comment Period End	01/09/06	
Final Action	08/00/06	

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

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**RIN:** 0750-AE96**661. CONTRACTOR INSURANCE/PENSION REVIEWS (DFARS CASE 2003-D050)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242.73**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35606
NPRM Comment Period End	08/22/05	
Final Action	04/00/06	

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

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**RIN:** 0750-AE97**662. ACQUISITION OF INFORMATION TECHNOLOGY (DFARS CASE 2003-D068)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54698
NPRM Comment Period End	11/15/05	
Final Action	09/00/06	

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

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**RIN:** 0750-AE98**663. DESCRIBING AGENCY NEEDS (DFARS CASE 2003-D073)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 211**Legal Deadline:** None

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

**Timetable:**

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

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

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**RIN:** 0750-AE99**664. REQUIRED SOURCES OF SUPPLIES AND SERVICES (DFARS CASE 2003-D072)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 208**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73187
NPRM Comment Period End	02/07/06	
Final Action	08/00/06	

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

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**RIN:** 0750-AF00**665. SPECIAL CONTRACTING METHODS (DFARS CASE 2003-D079)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 217**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54695
NPRM Comment Period End	11/15/05	
Final Action	06/00/06	

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**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF02**666. TYPES OF CONTRACTS (DFARS CASE 2003-D078)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 216**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the types of contracts that may be used in DoD acquisitions.**Timetable:**

Action	Date	FR Cite
NPRM	09/16/05	70 FR 54694
NPRM Comment Period End	11/15/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF03**667. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS (DFARS CASE 2003-D019)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 222**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that

pertain to requirements for compliance with labor laws under DoD contracts.

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF06**668. COMBATING TRAFFICKING IN PERSONS (DFARS CASE 2004-D017)****Priority:** Other Significant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 212.301; 48 CFR 225.74; 48 CFR 252.225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement DoD policy prohibiting contractor employees from supporting or promoting trafficking in persons.**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF11**669. NOTIFICATION REQUIREMENTS FOR CRITICAL SAFETY ITEMS (DFARS CASE 2004-D008)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-87, sec 8143**CFR Citation:** 48 CFR 246; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to add a contract clause requiring contractors to promptly notify the Government of any nonconformance or deficiency that could impact item safety.**Timetable:**

Action	Date	FR Cite
NPRM	08/01/05	70 FR 44077
NPRM Comment Period End	09/30/05	
Final Action	09/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF12**670. EXPORT-CONTROLLED INFORMATION AND TECHNOLOGY (DFARS CASE 2004-D010)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 204; 48 CFR 235; 48 CFR 252**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to address requirements for preventing unauthorized disclosure of export-controlled information and technology under DoD contracts.**Timetable:**

Action	Date	FR Cite
NPRM	07/12/05	70 FR 39976
NPRM Comment Period End	09/12/05	
Final Action	08/00/06	

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

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## Final Rule Stage

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**RIN:** 0750-AF13

**671. LEVY ON PAYMENTS TO CONTRACTORS (DFARS CASE 2004-D033)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 232; 48 CFR 252

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52031
Interim Final Rule Effective	10/31/05	
Interim Final Rule Comment Period End		
Final Action	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF14

**672. PROHIBITION OF FOREIGN TAXATION ON U.S. ASSISTANCE PROGRAMS (DFARS CASE 2004-D012)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 225; 48 CFR 252

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement section 579 of Division E of the Consolidated Appropriations Act, 2003, as amended by section 506 of Division D of the Consolidated Appropriations Act, 2004. These statutes provide that

commodities financed under U.S. assistance programs shall be exempt from taxation by the foreign government. This DFARS amendment includes a contract clause requiring the contractor to notify the contracting officer if a foreign government inappropriately imposes taxes.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/30/05	70 FR 57191
Interim Final Rule Effective	09/30/05	
Interim Final Rule Comment Period End	11/29/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF15

**673. INFLATION ADJUSTMENT OF ACQUISITION-RELATED THRESHOLDS (DFARS CASE 2004-D022)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-375, sec 807

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3446
NPRM Comment Period End	03/24/06	
Final Action	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF16

**674. RESTRICTION ON CARBON, ALLOY, AND ARMOR STEEL PLATE (DFARS CASE 2005-D002)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-287, sec 8029

**CFR Citation:** 48 CFR 225; 48 CFR 252

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73189
NPRM Comment Period End	02/07/06	
Final Action	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF17

**675. CONTRACT REPORTING (DFARS CASE 2005-D004)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 204; 48 CFR 253

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

**Regulatory Flexibility Analysis**

**Required:** No



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**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF18

#### 676. EARNED VALUE MANAGEMENT SYSTEMS (DFARS CASE 2005-D006)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 242; 48 CFR 252

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3449
NPRM Comment Period End	03/24/06	
Final Action	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AF19

#### 677. TRAINING FOR CONTRACTOR PERSONNEL INTERACTING WITH DETAINEES (DFARS CASE 2005-D007)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-375, sec 1092

**CFR Citation:** 48 CFR 237; 48 CFR 252

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

**Abstract:** Amends the Defense FAR Supplement to implement section 1092 of the National Defense Authorization Act for Fiscal Year 2005. Section 1092 requires that DoD contractor personnel

who interact with detainees receive training regarding the applicable international obligations and laws of the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/01/05	70 FR 52032
Interim Final Rule Effective	09/01/05	
Interim Final Rule Comment Period End	10/31/05	
Final Action	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF20

#### 678. FOREIGN ACQUISITION PROCEDURES (DFARS CASE 2005-D012)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 225

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/23/06	71 FR 3448
NPRM Comment Period End	03/24/06	
Final Action	10/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF21

#### 679. • CONTRACTOR PERSONNEL AUTHORIZED TO ACCOMPANY U.S. ARMED FORCES (DFARS CASE 2005-D013)

**Priority:** Other Significant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 212.301; 48 CFR 225.7402; 48 CFR 252.225-7040

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement DoD policy regarding contractor personnel authorized to accompany U.S. Armed Forces deployed outside the United States. Addresses the status of contractor personnel as civilians accompanying the U.S. Armed Forces and the responsibilities of the combatant commander regarding the protection of contractor personnel.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF25

#### 680. • EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER LEARNING (DFARS CASE 2006-D010)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-163, sec 842; 10 USC 2323

**CFR Citation:** 48 CFR 219.000

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 842 of the National Defense Authorization Act for Fiscal Year 2006. Section 842 extends, through fiscal year 2009, DoD's 5 percent goal for award of

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contract and subcontract dollars to small disadvantaged businesses and historically black colleges and universities and minority institutions.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/06	

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

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RIN: 0750-AF27

**681. • TRADE AGREEMENTS THRESHOLDS AND MOROCCO FREE TRADE AGREEMENT (DFARS CASE 2005-D017)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108-302; 41 USC 421**CFR Citation:** 48 CFR 225; 48 CFR 252.225**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to incorporate increased thresholds for application of the World Trade Organization Government Procurement Agreement and the Free Trade Agreements, as determined by the United States Trade Representative. Also implements a new Free Trade Agreement with Morocco and amends the list of end products that are subject to trade agreements.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/06	

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

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RIN: 0750-AF29

**682. • RADIO FREQUENCY IDENTIFICATION (DFARS CASE 2006-D002)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 211.275; 48 CFR 212.301; 48 CFR 252.211-7006**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to add additional commodities and ship-to locations that are subject to requirements for package marking with passive radio frequency identification tags.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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RIN: 0750-AF31

**683. • BERRY AMENDMENT EXCEPTIONS—ACQUISITION OF PERISHABLE FOOD AND FISH, SHELLFISH, OR SEAFOOD (DFARS CASE 2006-D005)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 831; 10 USC 2533a; PL 108-287, sec 8118; 10 USC 2533a**CFR Citation:** 48 CFR 225.7002-2**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 831 of the National Defense Authorization Act for Fiscal Year 2006 and section 8118 of the DoD Appropriations Act for Fiscal Year 2005. Section 831 amends 10 U.S.C. 2533a(d)(3) to expand the exception from domestic source requirements, that is applicable to purchase of perishable foods by activities located outside the United States, to include acquisitions by other activities on behalf of those activities. Section 8118 makes permanent the requirements of 10 U.S.C. 2533a(f), that DoD must acquire only domestic fish,

shellfish, and seafood manufactured or processed in the United States, including fish, shellfish, and seafood contained in foods manufactured or processed in the United States.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/06	

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

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RIN: 0750-AF32

**684. • BERRY AMENDMENT—NOTIFICATION REQUIREMENT AND CLOTHING MATERIALS AND COMPONENTS (DFARS CASE 2006-D006)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109-163, sec 833; 10 USC 2533a**CFR Citation:** 48 CFR 225.7002**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 833 of the National Defense Authorization Act for Fiscal Year 2006. Section 833 amends 10 U.S.C. 2533a to add a requirement for DoD to provide notice on FedBizOpps when certain exceptions to domestic source requirements are applied and amends the restrictions on the acquisition of foreign clothing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/06	

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

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RIN: 0750-AF33

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**685. • PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES (DFARS CASE 2006–D007)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 1211**CFR Citation:** 48 CFR 225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 1211 of the National Defense Authorization Act for Fiscal Year 2006. Section 1211 prohibits DoD from acquiring goods or services from Communist Chinese military companies.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

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**RIN:** 0750–AF34**686. • PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES (DFARS CASE 2006–D008)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 1231**CFR Citation:** 48 CFR 225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 1231 of the National Defense Authorization Act for Fiscal Year 2006. Section 1231 permits DoD to purchase weapons from any entity in a foreign country, if necessary to protect U.S. forces engaged in ongoing military operations in that country.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

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**RIN:** 0750–AF35**687. • LIMITATION ON TIERED EVALUATION OF OFFERS (DFARS CASE 2006–D009)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 816**CFR Citation:** 48 CFR 210; 48 CFR 215**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 816 of the National Defense Authorization Act for Fiscal Year 2006. Section 816 requires DoD to prescribe guidance on the use of tiered evaluation of offers for contracts and for task or delivery orders under contracts.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

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**RIN:** 0750–AF36**688. • SECURITY–GUARD SERVICES CONTRACTS (DFARS CASE 2006–D011)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 334**CFR Citation:** 48 CFR 237.102–70**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 334 of the National Defense Authorization Act for Fiscal Year 2006. Section 334 extends through September 30, 2007, the authority for contractor performance of security-guard functions at military installations or facilities if the functions would otherwise have to

be performed by members of the armed forces who are not readily available due to a deployment.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

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**RIN:** 0750–AF37**689. • PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS (DFARS CASE 2006–D012)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 803**CFR Citation:** 48 CFR 212; 48 CFR 234**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement to implement section 803 of the National Defense Authorization Act for Fiscal Year 2006. Section 803 limits the use of commercial item procedures for the acquisition of major weapon systems.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062

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**RIN:** 0750–AF38**690. • LEASE OF VESSELS, AIRCRAFT, AND COMBAT VEHICLES (DFARS CASE 2006–D013)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 109–163, sec 815

## DOD—DARC

## Final Rule Stage

**CFR Citation:** 48 CFR 207.470

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 815 of the National Defense Authorization Act for Fiscal Year 2006. Section 815 extends the requirements that are applicable to the lease of aircraft and naval vessels to also include combat vehicles.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF39

**691. • EVALUATION FACTOR FOR EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE ARMED FORCES RESERVE (DFARS CASE 2006-D014)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 109-163, sec 819

**CFR Citation:** 48 CFR 215; 48 CFR 252.215

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 819 of the National Defense Authorization Act for Fiscal Year 2006. Section 819 authorizes DoD to use an evaluation factor as to whether a prospective

contractor intends to carry out the contract using individuals or subcontractors who are members of the Selected Reserve of the reserve components of the Armed Forces.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AF40

**692. • CONGRESSIONAL NOTIFICATION OF AWARD OF ARCHITECT-ENGINEER SERVICES / MILITARY FAMILY HOUSING CONTRACTS (DFARS CASE 2006-D015)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-136, sec 1031

**CFR Citation:** 48 CFR 236.601

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to implement section 1031 of the National Defense Authorization Act for Fiscal Year 2004. Section 1031 amends the congressional notification requirements related to the award of architect-engineer contracts for military construction or military family housing.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF41

**693. • AVIATION INTO-PLANE REIMBURSEMENT (AIR) CARD (DFARS CASE 2006-D017)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 41 USC 421

**CFR Citation:** 48 CFR 213.306

**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to authorize use of the AIR card in lieu of a Standard Form 44 for purchase of aviation fuel and oil.

**Timetable:**

Action	Date	FR Cite
Final Action	07/00/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AF42

**Department of Defense (DOD)**

**Defense Acquisition Regulations Council (DARC)**

**Long-Term Actions**

**694. CODIFICATION AND MODIFICATION OF BERRY AMENDMENT (DFARS CASE 2002-D002)**

**Priority:** Substantive, Nonsignificant

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AD76

**Department of Defense (DOD)**  
**Defense Acquisition Regulations Council (DARC)**
**Completed Actions**
**695. APPROVAL OF SERVICE CONTRACTS AND TASK ORDERS (DFARS CASE 2002-D024)**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/01/03	68 FR 56563
Interim Final Rule Comment Period End	12/01/03	
Interim Final Rule	05/24/05	70 FR 29640
Interim Final Rule Comment Period End	07/25/05	
Final Action	03/21/06	71 FR 14102
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AD81

**696. 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:** Proposed amendments to the Defense FAR Supplement regarding internal controls for proper use of the Governmentwide commercial purchase card.

**Timetable:**

Action	Date	FR Cite
NPRM	12/20/02	67 FR 77955

Action	Date	FR Cite
NPRM Comment Period End	02/18/03	
Withdrawn	10/24/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0750-AD87

**697. 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 10 years, unless the head of the contracting activity determines that exceptional circumstances require a longer ordering period.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/23/04	69 FR 13478
Interim Final Rule Comment Period End	05/24/04	
Interim Final Rule	12/15/04	69 FR 74992
Interim Final Rule Comment Period End	02/14/05	
Final Action	12/09/05	70 FR 73151
Final Action Effective	12/09/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AE25

**698. CONSOLIDATION OF CONTRACT REQUIREMENTS (DFARS CASE 2003-D109)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 207.170; 48 CFR 219.201

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

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/17/04	69 FR 55986
Interim Final Rule Comment Period End	11/16/04	
Final Action	03/21/06	71 FR 14104
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 0750-AE48

## DOD—DARC

## Completed Actions

**699. FREE TRADE AGREEMENTS—AUSTRALIA AND MOROCCO (DFARS CASE 2004–D013)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–286; PL 108–302**CFR Citation:** 48 CFR 225; 48 CFR 252**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/13/05	70 FR 2361
Interim Final Rule Comment Period End	03/14/05	
Final Action	12/09/05	70 FR 73152
Final Action Effective	12/09/05	

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

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**RIN:** 0750–AE59**700. ACQUISITION OF BALL AND ROLLER BEARINGS (DFARS CASE 2003–D021)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2534**CFR Citation:** 48 CFR 225.70; 48 CFR 252.225–7016**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement to improve the clarity of domestic source restrictions on the acquisition of ball and roller bearings, by addressing only the exceptions, waivers, and waiver authority available to the contracting officer under current law, and by making the restrictions inapplicable to bearings that are commercial components of non-commercial end items or components.

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8560
NPRM Comment Period End	04/25/05	
Final Action	03/21/06	71 FR 14110
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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**RIN:** 0750–AE60**701. SPECIALIZED SERVICE CONTRACTING (DFARS CASE 2003–D041)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 237.70; 48 CFR 237.71; 48 CFR 252.237**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8563
NPRM Comment Period End	04/25/05	
Final Action	01/23/06	71 FR 3415
Final Action Effective	01/23/06	

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

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**RIN:** 0750–AE62**702. ACQUISITION OF TELECOMMUNICATIONS SERVICES (DFARS CASE 2003–D055)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.74**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8564
NPRM Comment Period End	04/25/05	
Final Action	11/09/05	70 FR 67918
Final Action Effective	11/09/05	

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

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**RIN:** 0750–AE63**703. UTILITY RATES ESTABLISHED BY REGULATORY BODIES (DFARS CASE 2003–D096)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 241.201; 48 CFR 241.501**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8565
NPRM Comment Period End	04/25/05	
Final Action	01/23/06	71 FR 3418
Final Action Effective	01/23/06	

## DOD—DARC

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AE64**704. ACQUISITION OF UTILITY SERVICES (DFARS CASE 2003-D069)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 241**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of utility services.**Timetable:**

Action	Date	FR Cite
NPRM	02/22/05	70 FR 8566
NPRM Comment Period End	04/25/05	
Final Action	01/23/06	71 FR 3416
Final Action Effective	01/23/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AE65**705. EXTRAORDINARY CONTRACTUAL ACTIONS (DFARS CASE 2003-D048)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 250**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the

DFARS Transformation Initiative that pertain to the processing of requests for extraordinary contract adjustments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/07/05	70 FR 6393
NPRM Comment Period End	04/08/05	
Final Action	11/09/05	70 FR 67923
Final Action Effective	11/09/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AE66**706. UPDATE OF CLAUSES FOR TELECOMMUNICATIONS SERVICES (DFARS CASE 2003-D053)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.74; 48 CFR 252.239**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to the acquisition of telecommunications services.**Timetable:**

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67885
NPRM Comment Period End	01/21/05	
Final Action	11/09/05	70 FR 67919
Final Action Effective	11/09/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AE67**707. INFORMATION TECHNOLOGY EQUIPMENT—SCREENING OF GOVERNMENT INVENTORY (DFARS CASE 2003-D054)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 239.73**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that pertain to procedures for screening of Government inventory before authorizing a contractor to purchase information technology equipment.**Timetable:**

Action	Date	FR Cite
NPRM	11/22/04	69 FR 67884
NPRM Comment Period End	01/21/05	
Final Action	11/09/05	70 FR 67917
Final Action Effective	11/09/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michele Peterson, Department of Defense, Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301-3062

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**RIN:** 0750-AE68**708. FOREIGN ACQUISITION (DFARS CASE 2003-D008)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 225; 48 CFR 252.225**Legal Deadline:** None**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the DFARS Transformation Initiative that relate to the acquisition of supplies and services from foreign sources.**Timetable:**

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14625
NPRM Comment Period End	05/23/05	
Final Action	12/09/05	70 FR 73153
Final Action Effective	12/09/05	

## DOD—DARC

## Completed Actions

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

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**RIN:** 0750–AE70**709. MICRO–PURCHASES NOT USING THE GOVERNMENTWIDE PURCHASE CARD (DFARS CASE 2003–D059)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213.270**Legal Deadline:** None

**Abstract:** Proposed amendments to the Defense FAR Supplement regarding use of the Governmentwide commercial purchase card for actions at or below the micro-purchase threshold.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19041
NPRM Comment Period End	06/13/05	
Withdrawn	11/15/05	

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

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**RIN:** 0750–AE74**710. SIMPLIFIED ACQUISITION PROCEDURES (DFARS CASE 2003–D075)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 213; 48 CFR 253.213**Legal Deadline:** None

**Abstract:** Amends the Defense FAR Supplement (DFARS) to implement recommendations resulting from the

DFARS Transformation Initiative that pertain to the use of simplified acquisition procedures.

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19042
NPRM Comment Period End	06/13/05	
Final Action	01/23/06	71 FR 3412
Final Action Effective	01/23/06	

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

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**RIN:** 0750–AE75**711. CONTRACT FINANCING (DFARS CASE 2003–D043)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 232**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/05	70 FR 23827
NPRM Comment Period End	07/05/05	
Final Action	12/20/05	70 FR 75412
Final Action Effective	12/20/05	

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

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**RIN:** 0750–AE78**712. DOD PILOT MENTOR–PROTÉGÉ PROGRAM (DFARS CASE 2004–D028)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–375, sec 841; PL 108–375, sec 842**CFR Citation:** 48 CFR 219.71; 48 CFR ch 2, app I**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/05	70 FR 29644
Interim Final Rule Comment Period End	07/25/05	
Final Action	01/23/06	71 FR 3414
Final Action Effective	01/23/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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**RIN:** 0750–AE80**713. INCENTIVE PROGRAM FOR USE OF DOMESTIC MACHINE TOOLS AND OTHER CAPITAL ASSETS (DFARS CASE 2005–D003)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 108–136, sec 822**CFR Citation:** 48 CFR 215; 48 CFR 216**Legal Deadline:** Other, Statutory, May 24, 2005, Interim Final. Final, Statutory, February 18, 2006.

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



## DOD—DARC

## Completed Actions

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/24/05	70 FR 29643
Interim Final Rule Comment Period End	07/25/05	
Final Action	03/21/06	71 FR 14108
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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**RIN:** 0750-AE83**714. SUBCONTRACTING POLICIES AND PROCEDURES (DFARS CASE 2003-D025)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 244.3; 48 CFR 252.244-7000**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19044
NPRM Comment Period End	06/13/05	
Final Action	11/09/05	70 FR 67922
Final Action Effective	11/09/05	

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

**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AE86**715. CONTRACT MODIFICATIONS (DFARS CASE 2003-D024)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 243.1; 48 CFR 243.2**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14629
NPRM Comment Period End	05/23/05	
Final Action	11/09/05	70 FR 67921
Final Action Effective	11/09/05	

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

**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AE87**716. SOCIOECONOMIC PROGRAMS (DFARS CASE 2003-D029)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 226**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19038
NPRM Comment Period End	06/13/05	
Final Action	12/09/05	70 FR 73148
Final Action Effective	12/09/05	

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

**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AE88**717. ENVIRONMENT, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE (DFARS CASE 2003-D039)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 223**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19039
NPRM Comment Period End	06/13/05	
Final Action	12/09/05	70 FR 73150
Final Action Effective	12/09/05	

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

**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AE90**718. COMPONENT BREAKOUT (DFARS CASE 2003-D071)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 207.105; 48 CFR app D**Legal Deadline:** None

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

## DOD—DARC

## Completed Actions

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14623
NPRM Comment Period End	05/23/05	
Final Action	03/21/06	71 FR 14101
Final Action Effective	03/21/06	

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

**Agency Contact:** Michele Peterson,  
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**RIN:** 0750-AF01**719. CONTRACTING BY NEGOTIATION  
(DFARS CASE 2003-D077)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 215**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	03/23/05	70 FR 14624
NPRM Comment Period End	05/23/05	
Final Action	01/23/06	71 FR 3413
Final Action Effective	01/23/06	

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

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**RIN:** 0750-AF04**720. CONTRACT ADMINISTRATION  
(DFARS CASE 2003-D023)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 242; 48 CFR  
252.242-7000; 48 CFR 252.242-7004**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/12/05	70 FR 19043
NPRM Comment Period End	06/13/05	
Final Action	11/09/05	70 FR 67919
Final Action Effective	11/09/05	

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

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**RIN:** 0750-AF05**721. COMPETITION REQUIREMENTS  
FOR FEDERAL SUPPLY SCHEDULES  
AND MULTIPLE AWARD CONTRACTS  
(DFARS CASE 2004-D009)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 208.4; 48 CFR  
216.5**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	06/02/05	70 FR 32280
NPRM Comment Period End	08/01/05	
Final Action	03/21/06	71 FR 14106
Final Action Effective	03/21/06	

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

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**RIN:** 0750-AF08**722. CONTRACTOR PERFORMANCE  
OF ACQUISITION FUNCTIONS  
CLOSELY ASSOCIATED WITH  
INHERENTLY GOVERNMENTAL  
FUNCTIONS (DFARS CASE  
2004-D021)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 2383**CFR Citation:** 48 CFR 207.5**Legal Deadline:** None

**Abstract:** Amends the Defense FAR  
Supplement to implement section 804  
of the National Defense Authorization  
Act for Fiscal Year 2005. Section 804  
places limitations on the award of  
contracts for the performance of  
acquisition functions closely associated  
with inherently governmental  
functions.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/23/05	70 FR 14572
Interim Final Rule Comment Period End	05/23/05	
Final Action	03/21/06	71 FR 14100
Final Action Effective	03/21/06	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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**RIN:** 0750-AF09

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

**Final Rule Stage**

**723. • LAW ENFORCEMENT REPORTING**

**Priority:** Other Significant

**Legal Authority:** 28 USC 534 note; 42 USC 10601; 18 USC 922; 42 USC 14071; 10 USC 1562; 10 USC ch 47; PL 108-374; ...

**CFR Citation:** 32 CFR 635

**Legal Deadline:** None

**Abstract:** This rule is being amended to implement portions of section 577(b)(5) of the Ronald W. Reagan National Defense Authorization Act for

Fiscal Year 2005, October 28, 2004, Public Law 108-375, pertaining to reporting of sexual assaults. This revision also implements Department of Defense policy concerning sexual assault.

**Timetable:**

Action	Date	FR Cite
NPRM	12/09/05	70 FR 73181
NPRM Comment Period End	01/09/06	
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

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**RIN:** 0702-AA52

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

**Completed Actions**

**724. FOREIGN ACQUISITION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC 2202; FAR 1.301; DFARS 201.3; DODD 5000.35; ...

**CFR Citation:** 48 CFR 5125

**Legal Deadline:** None

**Abstract:** To increase consistency in Army contracts that may require deployment of personnel, the Department of the Army is amending 48 CFR chapter 51. This interim rule is a consolidation and summarization of current information available in several documents, some of which are currently in draft form, and does not include new Army contracting policy.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66738
Interim Final Rule Comment Period End	01/27/04	
Withdrawn	01/30/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This interim rule is added to incorporate information to facilitate deploying contractor personnel to Iraq and other areas of operations. It also seeks to ease the administrative difficulty for each contractor and contracting office researching current guidance on contractors accompanying the force and to increase consistency among Army contracts. This amendment addresses

contractor and Army contracting offices' questions and concerns.

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**Related RIN:** Related to 0702-AA39

**RIN:** 0702-AA38

**725. SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC 2202; FAR 1.301; DOD FAR 201.3; DODD 5000.35; ...

**CFR Citation:** 48 CFR 5152

**Legal Deadline:** None

**Abstract:** To increase consistency in Army contracts that may require deployment of contractor personnel, the Department of the Army is amending 48 CFR part 5152. This interim rule seeks to incorporate information to facilitate the deployment of contractor personnel to Iraq or other areas of operations.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/28/03	68 FR 66740

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/27/04	
Withdrawn	01/30/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rule is a consolidation and summarization of current information available in several documents, some of which are currently in draft form, and does not include new Army contracting policy.

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**Related RIN:** Related to 0702-AA38

**RIN:** 0702-AA39

**726. DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 3013; sec 3012, 70A Stat 157

**CFR Citation:** 32 CFR 578

**Legal Deadline:** None

**Abstract:** This rule prescribes policy, criteria, and administrative instructions

## DOD—DOA

## Completed Actions

concerning individual military awards and incorporates laws enacted and policies approved since the rule was last published in 1956.

**Timetable:**

Action	Date	FR Cite
NPRM	11/02/05	70 FR 66602
NPRM Comment Period End	01/03/06	
Final Action	04/05/06	71 FR 17275
Final Action Effective	05/05/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Brenda S. Bowen, Department of Defense, Department of the Army, U.S. Army Records Management and Declassification Agency, ATTN: JDRP-RDR-C, 7701 Telegraph Road, Alexandria, VA 22315-3860

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**RIN:** 0702-AA41

**727. THE FREEDOM OF INFORMATION ACT PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 32 CFR 518

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	12/28/04	69 FR 77836
NPRM Comment Period End	02/28/05	
Final Action	02/22/06	71 FR 9221
Final Action Effective	03/24/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0702-AA45

**728. OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 32 CFR 504

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/05	70 FR 42012
NPRM Comment Period End	09/19/05	
Final Action	10/19/05	70 FR 60723
Final Action Effective	11/18/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0702-AA49

**729. ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION LIAISON AND OPERATIONS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 32 CFR 631

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	07/20/05	70 FR 41641
NPRM Comment Period End	09/19/05	
Final Action	10/19/05	70 FR 60728
Final Action Effective	11/18/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0702-AA50

**730. PERSONNEL REVIEW BOARD**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 32 CFR 581

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/03/05	70 FR 44536
NPRM Comment Period End	09/02/05	
Final Action	11/07/05	70 FR 67367
Final Action Effective	12/07/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DOD—DOA

## Completed Actions

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the Army, U.S. Army Records  
Management and Declassification

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**RIN:** 0702-AA51

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

## Proposed Rule Stage

**731. REGULATORY PROGRAM OF  
THE ARMY CORPS OF ENGINEERS  
AND HISTORIC PROPERTIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 33 CFR 325

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Margaret  
Gaffney-Smith, Regulatory Program  
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Army Corps of Engineers, Attn:  
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Phone: 202 761-4229

**RIN:** 0710-AA51

**732. COMPENSATORY MITIGATION  
FOR LOSSES OF AQUATIC  
RESOURCES**

**Priority:** Other Significant

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

**CFR Citation:** Not Yet Determined

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

**Abstract:** Section 314(b) of the National  
Defense Authorization Act of 2004  
(Pub. L. 108-136) requires the Secretary  
of the Army, acting through the Chief  
of Engineers, to issue regulations  
establishing performance standards and  
criteria for on-site, off-site, and in lieu

fee mitigation and mitigation banking  
consistent with section 404 of the Clean  
Water Act. The requirements and  
standards in the regulations will  
improve the quality and performance of  
compensatory mitigation in replacing  
aquatic resource functions lost as a  
result of activities authorized by  
Department of the Army permits.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/06	
NPRM Comment Period End	06/00/06	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**  
Undetermined

**Federalism:** Undetermined

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

**Agency Contact:** David B. Olson,  
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**RIN:** 0710-AA55

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

## Final Rule Stage

**733. NATIONWIDE PERMIT PROGRAM  
REGULATIONS**

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

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

**CFR Citation:** 33 CFR 330

**Legal Deadline:** None

**Abstract:** The Corps proposed to revise  
its Nationwide Permit Program  
regulations at 33 CFR part 330 to  
address changes in regulatory  
procedures and policy that have  
occurred since those regulations were  
last revised in 1991. The Corps  
proposed to revise the regulation to  
increase the pre-construction  
notification review period to 45 days,  
to be consistent with the current

nationwide permits. The Corps also  
proposed to amend the regulation to  
allow district engineers to issue  
verification letters that can have the  
same expiration date as the nationwide  
permit.

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69563

## DOD—COE

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/31/05	
Final Action	05/00/06	
Final Action Effective	06/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Energy Effects:** Statement of Energy Effects planned as required by Executive Order 13211.

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**RIN:** 0710—AA60**734. NAVIGATION REGULATIONS—BONNEVILLE LOCK AND DAM****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined  
**Legal Authority:** 40 Stat 266; 33 USC 1**CFR Citation:** 33 CFR 207.718**Legal Deadline:** None

**Abstract:** The Corps is proposing to amend the regulations for lockage operations at Bonneville Lock and Dam and amend the regulations that establish the restricted areas at Little Goose Lock and Dam. The Corps is making corrections and adjustments to the lockage control, signals, and permissible dimensions of vessels for Bonneville Lock and Dam. These changes correct language for the new replacement lock. For the Little Goose Lock and Dam, the Corps is making adjustments in the upstream channel

restricted area boundary to provide a small craft portage route around the lock and dam along the north shoreline. This reduces interference between fisherman and the boat ramp.

**Timetable:**

Action	Date	FR Cite
NPRM	10/24/05	70 FR 61401
NPRM Comment Period End	12/08/05	
Final Action	07/00/06	
Final Action Effective	08/00/06	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined

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

**RIN:** 0710—AA63
**Department of Defense (DOD)**  
**U.S. Army Corps of Engineers (COE)**

## Long-Term Actions

**735. ENVIRONMENTAL QUALITY; PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)****Priority:** Substantive, Nonsignificant**CFR Citation:** 33 CFR 230**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Forester Einarsen  
Phone: 202 761—4700

**RIN:** 0710—AA42**736. 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
**Department of Defense (DOD)**  
**U.S. Army Corps of Engineers (COE)**

## Completed Actions

**737. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, ENDANGERED SPECIES ACT; SCOPE OF ANALYSIS****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413**CFR Citation:** 33 CFR 325**Legal Deadline:** None

**Abstract:** The regulation will clarify the scope of analysis that the Corps has responsibility for under the Endangered Species Act (ESA). This regulation will

adopt the Corps ESA scope of analysis consistent with the ESA, the ESA regulations, and the Corps authorities.

**Timetable:**

Action	Date	FR Cite
Withdrawn	01/18/06	

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

**Agency Contact:** Katherine Trott, Regulatory Program Manager,

Department of Defense, U.S. Army Corps of Engineers, 441 G Street NW, Washington, DC 20314  
Phone: 202 761—5542

**RIN:** 0710—AA43**738. SPECIAL EVENTS RULE****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 460(l)**CFR Citation:** 36 CFR 327**Legal Deadline:** None

## DOD—COE

## Completed Actions

**Abstract:** The U.S. Army Corps of Engineers (Corps) may propose to amend its special events program regulations at 36 CFR 327.21 to better define the special events program at Corps of Engineers water resources projects. Special events may be held at any Corps of Engineers water resources project provided a permit is obtained by the sponsor in advance of the event. The proposed rule would define what constitutes a special event and when a permit is required to hold an event at a Corps water resources project. This proposed rule would contain new definitions, outline when a fee may be charged to hold an event, describe permitting procedures, and include a sample permit application, event permit, and permit checklist.

**Timetable:**

Action	Date	FR Cite
Withdrawn	01/18/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Ms. Judy Rice, Department of Defense, U.S. Army Corps of Engineers, CECW—CO, 441 G Street NW, Washington, DC 20314  
Phone: 202 761-5541

**RIN:** 0710-AA53

**739. NAVIGATION REGULATIONS—LAKE WASHINGTON SHIP CANAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1

**CFR Citation:** 33 CFR 207.750

**Legal Deadline:** None

**Abstract:** The U.S. Army Corps of Engineers is proposing to establish a procedure for modifying schedule operational hours at Lake Washington Ship Canal, Hiram H. Chittenden Locks in Seattle, Washington. This procedure would allow the operations manager of the locks to change the scheduled

operational hours of the locks providing a 30-day notice and public comment period for any proposed change.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/05	70 FR 30042
NPRM Comment Period End	07/25/05	
Withdrawn	01/23/06	71 FR 3446

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 0710-AA62

## Department of Defense (DOD)

## Department of the Navy (NAVY)

## Completed Actions

**740. SHIPBUILDING CAPABILITY PRESERVATION AGREEMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 2501(b); 10 USC 7315; PL 105-85, sec 1027

**CFR Citation:** 48 CFR 5231 (New)

**Legal Deadline:** Other, Statutory, December 18, 1997, The Navy was given 30 days from enactment of Public Law 105-85 to establish application procedures.

**Abstract:** This interim rule adds part 5231 to the Department of Navy Acquisition Regulations (48 CFR chapter 52) to implement section 1027 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85). Section 1027 permits the Navy to

enter into a shipbuilding capability preservation agreement where it would facilitate the achievement of the policy objectives set forth in 10 U.S.C. 2501(b). Such an agreement would permit the contractor to claim certain indirect costs attributable to its private sector work on its shipbuilding contracts.

**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	
Withdrawn	02/24/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Clarence Belton, Office of the Asst. Secretary of the Navy, Acquisition and Business Management, Department of Defense, Department of the Navy, 2211 South Clark Place, Arlington, VA 22244  
Phone: 703 693-4006  
Email: belton.clarence@hq.navy.mil

**RIN:** 0703-AA50

## Department of Defense (DOD)

## Office of Assistant Secretary for Health Affairs (DODOASHA)

## Proposed Rule Stage

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

**Priority:** Other Significant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This proposed rule amends the exclusion of services and supplies provided as part of or under a research study, grant or research program to add coverage for routine patient care that

would have been necessary in the absence of the study as well as care of complications that result from participation in the trial.

## DOD—DODOASHA

## Proposed Rule Stage

**Timetable:**

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

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Agency Contact:** Marty Maxey,  
Department of Defense, Office of  
Assistant Secretary for Health Affairs,  
1200 Defense Pentagon, Washington,  
DC 20301

Phone: 303 676-3627

**RIN:** 0720-AA91**742. • TRICARE IMPLEMENTATION OF CHANGES TO THE PHARMACY BENEFITS PROGRAM; DOUBLE COVERAGE WITH MEDICARE PART D****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** None**Legal Deadline:** None

**Abstract:** This rule prescribes double coverage payment procedures and makes revisions to TRICARE rules to accommodate benefit who are eligible under both Medicare and TRICARE, and who participate in Medicare's outpatient prescription drug program under Medicare Part D. It also establishes requirements and procedures for implementation of the improvements to the TRICARE Pharmacy Benefits Program directed by section 714 of the Ronald Reagan

National Defense Authorization Act for Fiscal Year 2005 (NDAA FY 05) (Pub. L. 108-365).

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/06	
NPRM Comment Period End	07/00/06	

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

**Agency Contact:** MAJ Travis Watson,  
Department of Defense, Office of  
Assistant Secretary for Health Affairs,  
1200 Defense Pentagon, Washington,  
DC 20301

Phone: 703 681-0064

Email:

pharmacyrulecomments@tms.osd.mil

**RIN:** 0720-AA94

## Department of Defense (DOD)

## Final Rule Stage

## Office of Assistant Secretary for Health Affairs (DODOASHA)

**743. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	01/20/94	59 FR 3046
NPRM Comment Period End	03/21/94	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Steve Lillie,  
Department of Defense, Office of

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1200 Defense Pentagon, Washington,  
DC 20301

Phone: 703 681-3628

Email: steve.lillie@tma.osd.mil

**RIN:** 0720-AA20**744. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXCEPTION TO THE CHAMPUS DUAL COMPENSATION/CONFLICT OF INTEREST PROVISIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** Currently, any individual who is a civilian employee of the United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis; that is, less than 20 hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that

can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

**Timetable:**

Action	Date	FR Cite
NPRM	08/26/97	62 FR 45196
NPRM Comment Period End	10/27/97	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Stephen Isaacson,  
Department of Defense, Office of  
Assistant Secretary for Health Affairs,  
1200 Defense Pentagon, Washington,  
DC 20301

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**RIN:** 0720-AA41



## DOD—DODOASHA

## Final Rule Stage

**745. 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	12/00/06	
Final Action Effective	12/00/06	

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

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

Phone: 703 681-3628

Email: steve.lillie@tma.osd.mil

**RIN:** 0720-AA50**746. 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	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Donald Wagner, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

Phone: 303 676-3411

**RIN:** 0720-AA56**747. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); INDIVIDUAL CASE MANAGEMENT PROGRAM FOR PERSONS WITH EXTRAORDINARY CONDITIONS (ICMP-PEC)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

proposed to clarify specific policies that relate to the program.

**Timetable:**

Action	Date	FR Cite
NPRM	08/01/01	66 FR 39699
NPRM Comment Period End	10/01/01	
Final Action	12/00/06	
Final Action Effective	12/00/06	

**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**748. 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	12/00/06	
Final Action Effective	12/00/06	

**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

## DOD—DODOASHA

## Final Rule Stage

**749. TRICARE; COORDINATION OF BENEFITS BETWEEN TRICARE AND THE DEPARTMENT OF VETERANS AFFAIRS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/19/03	68 FR 49732
NPRM; Correction	09/05/03	68 FR 52722
NPRM; Correction Effective	09/05/03	68 FR 52722
NPRM Comment Period End	10/20/03	68 FR 49732
Final Action	12/00/06	
Final Action Effective	12/00/06	

**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

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**Related RIN:** Previously reported as 0720-AA86**RIN:** 0720-AA87**750. TRICARE PROGRAM; RARE DISEASES DEFINITION AND PARTIAL LIST OF EXAMPLES OF UNPROVEN DRUGS, DEVICES, MEDICAL TREATMENTS, OR PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC ch 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/10/04	69 FR 48433
NPRM Comment Period End	10/12/04	
Final Action	12/00/06	
Final Action Effective	12/00/06	

**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**751. TRICARE RESERVE SELECT FOR CERTAIN MEMBERS OF THE SELECTED RESERVE, TRANSITIONAL ASSISTANCE MANAGEMENT PROGRAM, EARLY ELIGIBILITY FOR TRICARE FOR CERTAIN RESERVE COMPONENT MEMBERS****Priority:** Other Significant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** Final, Statutory, April 26, 2005.

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/16/05	70 FR 12798
Interim Final Rule Comment Period End	05/16/05	70 FR 12799
Interim Final Rule Effective	04/15/05	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Jody Donehoo, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301

Phone: 703 681-0039

**RIN:** 0720-AA90**752. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005; TRICARE DENTAL PROGRAM****Priority:** Other Significant**Legal Authority:** 5 USC 301; 10 USC 55**CFR Citation:** 32 CFR 199**Legal Deadline:** None

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

**Timetable:**

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

## DOD—DODOASHA

## Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Effective	11/21/05	
Final Action	12/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Col Gary Martin, Department of Defense, Office of Assistant Secretary for Health Affairs, Falls Church, VA 22041-3206  
Phone: 703 681-0039  
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**RIN:** 0720-AA93

**753. • CHAMPUS/TRICARE; COVERAGE OF PHASE II AND PHASE III CLINICAL TRIALS SPONSORED BY THE NATIONAL INSTITUTES OF HEALTH NATIONAL CANCER INSTITUTE**

**Priority:** Other Significant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule allows the Department of Defense to waive normal requirements so that covered beneficiaries can participate in Phase II and Phase III clinical trials sponsored or approved by the National Institutes of Health National Cancer Institute (NIH NCI). This benefit has been provided under TRICARE demonstration authority since 1996. This rule portrays the Department's decision to eliminate the current

demonstration and establish a permanent TRICARE benefit for NIH NCI-approved Phase II and Phase III clinical trials.

**Timetable:**

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34627
NPRM Comment Period End	07/31/00	
Final Action	10/00/06	
Final Action Effective	12/00/06	

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

**Agency Contact:** Debra Hatzel, Department of Defense, Defense Pentagon, Washington, DC 20301  
Phone: 303 676-3572

**Related RIN:** Previously reported as 0720-AA57**RIN:** 0720-AA96

**754. • TRICARE PRIME REMOTE FOR ACTIVE DUTY FAMILY MEMBERS AND TRICARE PRIME ENROLLMENT PERIOD**

**Priority:** Other Significant**Legal Authority:** 10 USC ch 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 722(b) of the National Defense Authorization Act for Fiscal Year 2001. Section 722(b) established the TRICARE Prime Remote for Active Duty Family Members Program (TPRADFM). This rule also implements section 702 of the National Defense Authorization Act for

Fiscal Year 2003. Section 702 expanded eligibility for family members of activated Reserve Component and National Guard members, and for family members whose sponsor served an unaccompanied tour. A third provision of this rule establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than one year.

**Timetable:**

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

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

**Agency Contact:** John Leininger, Department of Defense, Office of Assistant Secretary for Health Affairs, Defense Pentagon, Washington, DC 20301  
Phone: 303 676-3613  
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Ann N. Fazzini, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301  
Phone: 303 676-3803

**Related RIN:** Previously reported as 0720-AA68**RIN:** 0720-AA97

## Department of Defense (DOD)

## Office of Assistant Secretary for Health Affairs (DODOASHA)

## Completed Actions

**755. 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	08/20/99	64 FR 45453
Interim Final Rule Comment Period End	10/19/99	
Interim Final Rule Effective	05/20/99	
Withdrawn	01/21/06	

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

## DOD—DODOASHA

## Completed Actions

**Government Levels Affected:** None

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

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**RIN:** 0720-AA49

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

**Priority:** Other Significant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 703 681-3628

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**RIN:** 0720-AA57

**757. TRICARE; PRIME REMOTE FOR ACTIVE DUTY FAMILY MEMBERS**

**Priority:** Other Significant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/06/02	67 FR 5477
Interim Final Rule Comment Period End	04/08/02	
Interim Final Rule Effective	04/08/02	
Withdrawn	01/21/06	

**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

**758. 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	
Withdrawn	01/23/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Stephen Isaacson, Department of Defense, Office of Assistant Secretary for Health Affairs, 1200 Defense Pentagon, Washington, DC 20301

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**RIN:** 0720-AA72

**759. 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

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## Completed Actions

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	
Withdrawn	01/23/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 0720-AA73

### 760. TRICARE; CHANGES INCLUDED IN THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003 (NDAA-03)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC ch 55

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This interim final rule contains several provisions found in the NDAA-03 (Pub. L. 107-314). Specifically, this rule addresses eliminating the requirement for TRICARE preauthorization of inpatient mental health care for Medicare-eligible

beneficiaries where Medicare is primary payer and has already authorized the care using Medicare certification of individual professional providers as sufficient documentation to also certify individual professional providers under TRICARE and expanding the TRICARE Dental Program eligibility for dependents of deceased members.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/19/03	68 FR 65172
Interim Final Rule Effective	11/19/03	
Withdrawn	01/23/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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**RIN:** 0720-AA85

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

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 10 USC 55

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/31/05	70 FR 51692
NPRM Comment Period End	10/31/05	
Final Action	01/11/06	71 FR 1695
Final Action Effective	01/11/06	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0720-AA92

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