



# Open DFARS Cases

as of August 28, 2009

4:25:41PM



## Open DFARS Cases

as of August 28, 2009

---

Case Number	Part Number	Title	Synopsis	Status
2009-P004		Contract Distribution	<p>The current PGI is unclear as to the method for distribution of contract actions to Electronic Document Access (EDA) system. Originally, EDA was designed to receive contracts as PDFs. To support transparency reporting requirements and downstream processes, EDA is being modified to receive contracts as data, initially in a simple form that carries some line item pricing and funding detail, later an expanded for that carries data for the entire contract. The proposed PGI revisions clarify the ability to view the contract document in EDA and which destinations need to receive the contract as data. The transition of EDA from solely carrying documents to also carrying data will enable reporting and data validation and verification in support of the Federal Financial Accountability and Transparency Act and the Recovery Act, provide data to Wide Area WorkFlow for pre-populated and verification of invoice and acceptance data, and will support other systems needing contract data.</p>	08/26/2009DARC reclaims are due 9/4/2009.

---

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-P003		Payment Instructions	<p>This case covers a proposed change to PGI 204.7108. A savings of \$6.7M per year has been identified as being realizable, if standardized numbered payment instructions could be provided for contracts. Potential sources of savings come from:</p> <ul style="list-style-type: none"><li>¿ The difference in cost between the manual billing rate and the automated rate. (20% actions x 1.8M billable events = 360K actions; \$13.63 per action x 360K = \$4.9M per year)</li><li>¿ Avoidance of errors in the manual entry of contract data. (5% error rate x 1.8M actionx x 20% x 1hr rework x \$100/hr = \$1.8M)</li><li>¿ Total savings = \$4.9M + \$1.8M = \$6.7M</li></ul> <p>This savings can be achieved by identifying PGI payment intructions to DFAS in a data format that can be transmitted via the EDI transaction for the contract award, so that the entitlement system can automatically load the instructions with each transaction awarded.</p> <p>In order to accommodate the limitations of SPS, these payment instructions must be associated with a number that looks like a clause number. However, these numbers are not clause numbers and the payment instructions are not clauses, because they do not impact the contractor. Therefore, it is still appropriate to include them in PGI</p>	08/26/2009DARC reclamation are due 9/4/2009.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-D018		Warranty Tracking Serialized Item	The Department of Defense (DoD) is required to track warranties for to ensure accountability of contract provision. Tracking warranties, from the identification of the requirement to the expiration date of the warranted item, will significantly enhance the enforceability of the warranties. Today, no standardized process exists and no specific data is collected for warranty tracking. Therefore, certain data elements must be included in the solicitation and contract. The proposed clause provides the minimum data elements needed at the CLIN level for warranty tracking.	08/19/2009DAR staff tasked Quality Assurance Cmte. to draft proposed DFARS rule. Report due 9/23/09.
2009-D017	237, 252.237	Continuation of Essential Contractor Services	Provide DFARS coverage to address the continuation of contractor services in support of mission essential functions during an emergency that may occur and which may seriously impair the ability of the Government to fulfill those functions.	07/29/2009DARC agreed to draft interim DFARS rule. DAR staff processing.
2009-D016		Enterprise Software Initiative (ESI) BPA Ordering (non-DoD contracts)	Remove duplicative administrative steps and documentation for purchases under a mandatory ESI program that uses BPAs based on non-DoD contracts to pre-establish favorable terms, conditions, and prices for software enterprise licenses.	07/31/2009DARC opened case, interim DFARS rule. DAR staff processing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-D015		Organizational Conflicts of Interest in Major Defense Acquisition Programs	Section 207, Organizational Conflicts of Interest in Major Defense Acquisition Programs, of Public Law 111-23, The Weapon Systems Acquisition Reform Act of 2009, requires revisions to the DFARS within 270 days of enactment to provide uniform guidance and tighten existing requirements for organizational conflicts of interest by contractors in major defense acquisition programs. The statute provides minimum requirements for the regulations, and requires consultation with the Panel on Contracting Integrity's recommendations to the Secretary of Defense that are due within 90 days of enactment as well as with any findings and recommendations of the Administrator for Federal Procurement Policy and the Director of the Office of Government Ethics pursuant to section 841(b) on the FY 2009 NDAA.	07/22/2009 Case on hold at the direction of DARC while the recommendations are being developed by DoD Panel on Contracting Integrity, OFPP and OGE. Case Manager report status of Panel on Contracting Integrity in 4 weeks.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-D014		Acquisition Strategies to Ensure Competition throughout Life-Cycle of MDAPS	Public Law 111-23, The Weapon Systems Acquisition Reform Act of 2009, section 202, Acquisition Strategies to Ensure Competition Throughout the Lifecycle of Major Defense Acquisition Programs, requires DoD to ensure that the acquisition strategy for each MDAP includes measures to ensure competition at both the prime and subcontract level, and adequate documentation for selection of subcontract tier or tiers. The statute further requires additional measures to ensure fair and objective <i>¿</i> make-buy <i>¿</i> decisions as well as ensuring that, to the maximum extent practicable, contracts for maintenance and sustainment are awarded on a comopetitive basis with full consideration to all sources.	08/26/2009DARC received Contract Placement Cmte draft interim DFARS rule from DAR staff. Will discuss on 9/9/09.
2009-D013		Representation for Non-traditional Contractor	Based on GAO Report "GAO-06-995, DOD Contracting: Effort Needed to Address Air Force Commercial Acquisition Risk, dated September 29, 2006". GAO recommendation that DOD should examine ways to collect information on the number of non-traditional contractors DOD is reaching through commercial acquisitions.	07/01/2009DAR staff tasked Contract Placement Cmte. to draft proposed DFARS rule. Report due 07/29/09. Report due (1st ext) 8/12/09. Report due (2nd ext) 9/2/09. Report due (3rd ext)10/14/09.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-D012		Foreign Participation in Acquisitions in Support of Operations in Afghanistan	Implements determinations regarding participation of South Caucusus/Central and South Asia states in acquisitions in support of operations in Afghanistan, involving waiver of WTO GPA procurement restriction and Balance of Payment Program evaluation factors for products and services from SC/CASA states.	08/28/2009DAR editor requested DoD approval to publish draft proposed DFARS rule.
2009-D011	252.204-7007	Annual Representations and Certifications	Consider revising DFARS 252.204-7007 to include DFARS clauses in solicitations.	08/19/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2009-D010		New Designated Country--Taiwan	Implements planned accession of Taiwan to World Trade Organization Government Procurement Agreement membership, as requested by the United States Trade Representative.	08/28/2009DAR editor requested DoD approval to publish draft interim DFARS rule.
2009-D009	204.7107, PGI 204.7107	Financial Data in Procurement	Consider adding descriptive language in the DFARS and PGI for Agency Accounting Identifiers.	07/07/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2009-D008		Government Property	Revision of Government Property language in DFARS 245.6 and 245.7.	08/26/2009DARC agreed to draft proposed DFARS rule. Case manager processing.
2009-D005	225.7016	Restriction on Research and Development--Deletion of Obsolete Text	DFARS 225.7016 implements Section 744 of the FY 73 DoD Appropriations Act (Pub. L. 92-570). Section 744 limited contracting with foreign entities for the performance of research and development in connection with any weapon system or other military equipment for DoD.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2009-D004		Minimizing the Use of Hexavalent Chromium	Prohibits use of hexavalent chromium unless specifically approved by the Government, in accordance with USD(AT&L) memo of Apr 8, 2009.	08/21/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2009-D003		Inflation Adjustment of Acquisition-Related Thresholds	Implements Section 35a of the OFPP Act. Section 35a of the OFPP Act requires that on October 1 of each year that is evenly divisible by 5, the FAR Council shall adjust each acquisition-related threshold provided by law.	08/28/2009DAR editor requested DoD approval to publish draft proposed DFARS rule.
2009-D002		Electronic Subcontracting Reporting System	This case revises the DFARS to conform to the FAR with respect to the use of the Electronic Subcontracting Reporting System.	06/24/2009DARC agreed to draft interim DFARS rule. DAR staff processing. Awaiting resolution of CAAC comments (08/05/09).
2009-D001		DoD Office of the Inspector General Address	This is a new DFARS case, final rule, to provide the address for the agency Office of the Inspector General, as referenced at FAR 3.1003(b)(1). This implements the AT&L memo of December 29, 2008.	08/24/2009OIRA cleared final DFARS rule. DAR staff preparing for publication.
2008-D050	211, 252	Government Furnished Equipment Marking	Review of the DFARS requirements for Unique Item Identifier (UII) marking of Government-Furnished Equipment	05/22/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2008-D049		Reporting of Government Property Losses	Review of the DFARS requirements for reporting the loss, theft, damage or destruction of Government property. This case may require the use of DCMA e-tools system for such reporting.	06/18/2009Case manager forwarded to DAR editor. DAR editor reviewing.



## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D048	211, 252	Government Property IUID Reporting	Review of the DFARS requirements for reporting Government Furnished Equipment (GFE) and Government Furnished Material (GFM) in the DoD IUID registry. Additionally, this case will include PGI coverage for furnishing Government Furnished Property (GFP) to contractors.	05/22/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2008-D047	211 , 252	Government Assigned Serial Number	To prescribe DFARS language for contract requirements for assigning a method of serialization to major end-items. Government serial numbers are assigned to a limited number of types of major end items to either satisfy requirements of law, regulation, configuration management, logistics support, or asset identification for accountability and visibility. These Government-assigned serial numbers have a specialized, fixed human readable information format to convey intelligence about the major end item, which is used to readily identify the item in military operations. This requirement is in addition to the manufacturer's serial number applied to supply, maintenance and property accountability documentation.	05/20/2009DARC agreed to draft proposed DFARS rule. Case manager processing. Requesting Office performing review of proposed language.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D046		Trade Agreements with Costa Rica, Oman, and Peru	At the request of the USTR, we are implementing the Free Trade Agreements with Costa Rica, which took effect on January 1, 2009, and with Peru, which took effect on February 1, 2009. The Oman FTA, which took effect on January 1, 2009, for other Government agencies does not apply to DoD acquisitions. Also adds Taiwan as a designated country under the World Trade Organization Government Procurement Agreement.	07/29/2009Published interim DFARS rule in Federal Register (74 FR 37650). Effective upon publication. Public comment period ends 9/28/09.
2008-D042	234	Preservation of Tooling for Major Defense Acquisition Programs	Implement section 815 of the National Defense Authorization Act FY 2009, enacted October 14, 2008. Section 815 requires the preservation and storage of unique tooling associated with the production of hardware for a major defense acquisition program through the end of the service life of the end item associated with such a program.	06/30/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2008-D040	247	Motor Carrier Fuel Surcharge	Implement section 884 of the National Defense Authorization Act FY 2009, enacted October 14, 2008. Section 884 requires the Secretary of Defense to take appropriate actions to ensure that, the maximum extent practical, in all carriage contracts in which fuel-related adjustment is provided for, any fuel-related adjustment is passed through to the person who bears the cost of the fuel that the adjustment relates to.	07/29/2009Published interim DFARS rule in Federal Register (74 FR 37652). Effective upon publication. Public comment period ends 9/28/09.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D039	227	Government Rights in the Design of DoD Vessels	Implement section 825 of the National Defense Authorization Act FY 2009, enacted October 14, 2008. Section 825 clarifies the Government's rights in technical data in the designs fo DoD vessels, boats, craft and components thereof.	08/28/2009DAR editor requested DoD approval to publish draft proposed DFARS rule.
2008-D038		Steel for Military Construction Projects	Implement section 108 of Division E of the Consolifdated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. L. 110-329), enacted 9/30/2008. Division E is entitles "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009." Section 108 prohibits procurement of steel for construction projects or activities for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D034	215, 217, 243, PGI 217	Management and Reporting of Unpriced Change Orders	Expands the definition of the term 'contract action.' Presently, DFARS 217.7401 states that 'contract action' is 'an action which results in a contract' and 'does not include change orders, administrative changes, funding modifications, or other contract modification that are within the scope and under the terms of the contract, e.g. engineering change proposals, value engineering change proposals, and over and above work requests as described in Subpart 217.77.' It is recognized that a significant amount of the undefinitized contract actions issued throughout the Department are issued as change orders or other unpriced modifications to existing contracts. In order to provide full accountability and management oversight of this contracting approach, the definition of UCA will be broadened.	07/29/2009Published proposed DFARS rule in Federal Register (74 FR 37669). Public comment period ends 9/28/09.
2008-D032	212.7002	Service Contract Surveillance	The DoD Improvement Plan for the GAO High Risk Area - Contract Management includes a commitment for the Department to review the existing DFARS and DFARS PGI realting to ensuring appropriate surveillance plans are included in contracts for services, and to provide any clarifications and/or enhancements that may necessary.	02/11/2009DARC agreed to draft proposed DFARS rule. Case manager processing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D030		Pilot Program for Transition to Follow-on Contracting after use of OTA	This case establishes a new program expiration date and includes items developed under research projects within the scope of the program.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2008-D028	204.74100, 252.204-7XXX	Safeguarding Unclassified Information	Establish an ad hoc team to evaluate whether or not changes should be made to the DFARS to implement standards and structures for the safeguarding of unclassified information.	08/26/2009DAR editor sent draft ANPR to OIRA. OIRA reviewing.
2008-D027		Cost and Software Data Reporting	Amend the DFARS to ensure that the cost and software data reporting (CSDR) system requirements are in place on MDAP and MAIS program contracts in accordance with DoD 5000.2 and DoD 5000.4-M-1, CSDR Manual.	07/08/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2008-D024		Para-aramid Fibers and Yarns Manufactured in a Qualifying Country	Implements the OUSD(AT&L) Determination, dated August 15, 2008, authorizing acquisition of articles containing para-aramid fibers and yarns manufactured in a qualifying country, in accordance with Section 807 of the National Defense Authorization Act for FY 1999 (Pub. L. 105-261).	06/03/2009Case on hold at the direction of DARC DEP, awaiting AT&L determination.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D023	217	Additional Requirements Applicable to Multiyear Contracts	Implements Section 811 of FY08 NDAA which amends 10 U.S.C. 2306b to impose several additional requirements applicable to multiyear contracts for the acquisition of property, including deletion of one requirement but the addition of six new requirements that SecDef must certify in writing in the year he requests legislative authority to enter into a multiyear contract. Sec. 811 requires the SecDef to certify in writing, by no later than March 1 of a year in which the Secretary requests legislative authority to enter into a multiyear contract with respect to a major defense acquisition program (MDAP), that the SecDef has made certain cost savings determinations with regard to such contract.	01/30/2009DAR Editor Reviewing
2008-D018		Defense Trade Cooperation Treaties with the United Kingdom and Australia	Implements the DTC Treaties with the U.K. and Australia.	11/10/2008Case on hold at the request of DARC director, until Treaty legislation enacted and State Department regulations codified.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D015	208.602-70	Competition Requirements for Purchases from Federal Prison Industries	Implement Section 827 of the National Defense Authorization Act for Fiscal Year 2008. The statute requires DoD to use competitive procedures when procuring products for which FPI has significant market share. A DPAP memorandum was issued on 28 March 2008 identifying which FSC codes FPI has significant market share, and the procedures addressing those requirements. This DFARS case will implement the procedures in the memorandum at DFARS PGI 208.6.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2008-D014		Procurement Goal for Native Hawaiian-serving Institutions and Alaska Native-serving Institutions.	Revises the FAR to implement Section 891 of P.L. 110-181, Fiscal Year 2008 National Defense Authorization Act. Section 891 adds Native Hawaiian-serving institutions and Alaska Native-serving institutions to the list of entities identified in 10 U.S.C. 2323, "Contract goal for small disadvantaged businesses and certain institutions of higher education".	10/10/2008Case on hold pending resolution of companion FAR case.
2008-D012	203.900, 252.203-7000	Whistleblower Protections for Contractors	Section 846 in the NDAA 08 language amends Section 2409 of Title 10 describing "Protection for Contractor Employees From Reprisal For Disclosure of Certain Information". The language specifically adds DoD in the investigation of complaints process. recommend this new case be opened to establish a new DFARS cite (203.9) to incorporate this language.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D011	212.2, 234.7002	Procurement of Commercial Items and Services	Relates to Sections 805&815 of the FY08NDAA.	07/15/2009Published interim DFARS rule in Federal Register (74 FR 34263). Effective upon publication. Public comment period ends 09/14/2009.
2008-D009		Statutory Waivers for Commercially Available Off-the-Shelf Items	Make the required changes to conform the DFARS to the changes being implemented under FAR Case 2000-305.	08/28/2009DAR editor requested DOD approval to publish draft final DFARS rule.
2008-D007	203.171, 209.406, 252.203-7000	Senior DoD Officials Seeking Employment with Defense Contractors	Implements Section 847 of the National Defense Authorization Act for Fiscal Year 2008. Section 847 establishes requirements for DoD contractors with regard to compensation of former DoD officials.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2008-D006		Multiyear Contract Authority for Electricity from Renewable Energy Sources	Implement Section 828 of the National Defense Authorization Act for Fiscal Year 2008 (see attached). Section 828 authorized DoD to award multiyear contracts for the purchase of electricity from source of renewable energy. The case is assigned to the DFARS Environmental Committee.	06/03/2009DARC agreed to draft interim DFARS rule. DAR staff processing.



## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2008-D005	217.78, PGI 217.78	Limitation on Procurements on Behalf of DoD	Implements section 801(b) and (c) of the FY08 National Defense Authorization Act. Section 801(b), Limitation on Procurements on Behalf of Department of Defense, authorizes a DoD acquisition official to procure property and services in excess of the simplified acquisition threshold through civilian agencies only if: (1) the civilian agencies agree to adhere to defense procurement requirements; and (2) the Under Secretary of Defense (AT&L) determines that the procurement is in the best interest of the Department. Section 801(c), Guidance on Interagency Contracting, requires DoD to issue guidance on interagency contracting within 6 months of enactment of the Act that addresses the circumstances in which it is appropriate for DoD acquisition officials to procure goods or services through a contract entered into by an agency outside the DoD.	07/15/2009Published interim DFARS rule in Federal Register (74 FR 34270). Effective upon publication. Public comment period ends 09/14/09.
2008-D002	206.3, 225.70, 252.206	Acquisition of Products and Services in Support of Operations in Iraq or Afghanistan	Implements sections 886 and 892 of the Fiscal Year 2008 National Defense Authorization Act (Pub. L. 110-181), enacted January 28, 2008. These sections provide authority to limit competition in the acquisition of products or services, other than small arms, acquired in support of operations in Iraq or Afghanistan.	08/28/2009DAR editor requested DOD approval to publish draft final DFARS rule.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2007-D026	202.101	Correcting the Definition of 'Congressional Defense Committees'	Change the definition of "congressional defense committees" to reflect the definition in 10 U.S.C. 101 as well as the alternate definition that should be used in DFARS Part 217.	03/06/2009DAR editor identified any issues to case manager. Case manager and DAR editor resolving issues. Input from DoD/OGC has been received. 4/8/09 - Schedule discussion with OGC on possibility of closing case.
2007-D025		Remove Exception for Not Providing a Material Inspection and Receiving Report Under Fast Payment Procedures	Established to remove an exception at DFARS Appendix F, f-102 (a).	05/07/2008 DARC agreed to place case "on hold" for six months. Reactivate on 11/05/2008. Case on hold at the direction of Council.
2007-D024		Correcting Statutory References Related to the Higher Education Act of 1965	Corrects references in the DFARS to sections of the Higher Education Act of 1965 and Title 20 of the US Code as they relate to minority institutions and Hispanic-serving institutions. This is the follow-on administrative action related to 2006-D061Procurement Goal for Hispanic-serving Institutions. Companion case to FAR case 2007-020.	10/10/2008Case is on hold. Expect the changes under this case to be incorporated into 2008-D014 and for this case to cancelled.
2007-D015		Contract Closeout Processes	Consider the establishment of a comprehensive PGI section to address contract closeout processes and to assess and/or draft regulatory (FAR and DFARS) clarifications and/or revisions necessary to improve the contract closeout process.	07/23/2008 Case manager forwarded to DAR Editor. DAR Editor reviewing.
2007-D011	216.603, 217.7404	Letter Contract Definitization Schedule Criteria	This case clarifies that, per 10 U.S.C. 2326, the direction at DFARS 217.7404-3(a) provides the criteria (vice those in FAR 16.603-2(c)(3)), for planning the definitization schedule for a letter contract, and implements section 809 of the FY 2008 NDAA.	07/15/2009Published proposed DFARS rule in Federal Register (74 FR 34292). Public comment period ends 9/14/09.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2007-D009	228.37, 252.228-7001, 252.228-7002	Ground and Flight Risk Clause	Combines the regulatory requirements in the Ground and Flight Risk Clause (GFR) at 252.228-7001 and the Aircraft Flight Risk Clause at 252.228-7002 into a revised and single GFR Clause. Revisions include: a mandatory flowdown clause requirement; a statement that the property clause is not applicable if the Government withdraws its self-insurance coverage; a statement that commercial insurance costs that duplicate the Government's self insurance are unallowable; and raising the contractor's deductible.	01/30/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2007-D004	231.201-1, 31.205-38	Allowability of Costs to Lease Government Equipment for Display or Demonstration	Consider incorporation into the DFARS of the cost allowability criteria of DoD Directive 7230.8.	08/12/2009DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2007-D003		Presumption of Development Exclusively at Private Expense	Implements Section 802(b) of the National Defense Authorization Act of Fiscal Year 2007 (Pub. L. 109-364) and section 815(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section 802(b) addresses the presumption for commercial items of development exclusively at private expense, with new provisions relating to technical data for a major system or a subsystem of component thereof and Section 815(a)(2) exempts COTS items from the requirements of section 802(b).	08/28/2009DAR editor requested DoD approval to publish draft proposed DFARS rule.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2007-D002		Defense Cargo Riding Gang Member	Evaluate Section 1018 of 2007 National Defense Authorization Act (Pub. L. 109-364) for potential DFARS revisions.	07/10/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2006-D057		Report and Regulations on Excessive Pass-Through Charges	Implements Section 852 of the FY 2007 National Defense Authorization Act (Pub. L. 109-364). Section 852 imposes restrictions to ensure that pass-through cahrges under DoD contracts are not excessive.	03/09/2009FAR Case 2008-031 was opened to address Section 866 of the FY09 NDAA on the issue of excessive pass-through charges. The FAR case will pick up the language of this DFARS case thereby making it unnecessary to proceed with a final rule on DFARS case 2006-D057. When the FAR rule is published, we will delete the DFARS 2006-D057 Interim rule text and close the case.
2006-D055	227	Technical Data Rights	Implements Section 802(a) of the National Defense Authorization Act for FY 2007 (Pub. L. 109-364).	08/28/2009DAR editor requested DOD approval to publish draft final DFARS rule.
2006-D053	234, 235.006	Research and Development Contract Type Determination	Implement Section 818 of FY 2007 NDAA. Section 818 repeals Section 807 of the FY 1989 NDAA and requires modifcaiton of the DoD regulations regarding the determination of contract type for development programs.	07/02/2009Case manager forwarded to DAR editor. DAR editor reviewing.
2006-D051	207.106, 209.5, 234, 235, 252.209	Lead System Integrators	Implement Sec 807 of FY 2007 NDAA and DPAP policy letter of Jan 18, 2007; and Section 802 of the FY 2008 NDAA.	07/15/2009Published interim DFARS rule in Federal Register (74 FR 34266). Effective upon publication. Public comment period ends 09/14/2009.
2006-D029	225.7001, 225.7009, 252.226-7016	Restriction on Ball and Roller Bearings	Review the restriction on ball and roller bearings based on the expiration of 10 U.S.C. 2534 on October 1, 2005.	08/21/2009Final rule for DFARS Case 2008-D003 was published on 7/29/2009. Case manager processing coordination with CPIC, OGC, and IP.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2006-D021	215, 216	Award Fee Contracts	Incorporates OUSD(AT&L) March 29, 2006 policy memorandum on award fee contracts. Also incorporates related changes required by Sec 814 of the FY07 National Defense Authorization Act and Section 9016 of the FY07 Defense Appropriations Act.	08/13/2009 Case manager forwarded to DAR editor. DAR editor reviewing.
2006-D016	217.1	Multi-Year Contracting	Comprehensive review of DFARS Subpart 217.1 to simplify and clarify the coverage of multi-year acquisitions.	08/07/2007 Case Manager forwarded to DAR Editor. DAR Editor reviewing.
2005-D010	225.7, 225.71, 225.9, 252.225	Definitions of "Component" and "Domestic Manufacture"	Revises the DFARS to clarify correct application of the definitions of the term "component," as defined in FAR 2.101 and FAR Part 25.	08/24/2009 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.
2005-D005	252.204-7000	Disclosure of Sensitive Unclassified Information	Consider a proposal by the Aerospace Industries Association (AIA) to change the clause at 252.204-7000 to redefine the limits on disclosure of sensitive unclassified information.	07/17/2008 Case on hold pending results of Joint Analysis Team on Controlled Unclassified Information.
2004-D010	204.73, 204.7301, 204.7302, 204.7303, 204.7304, 235.071, 235.072, 252.204	Export-Controlled Information and Technology	Implements recommendation of DoDIG Report No. D-2004-061. Informs potential offerors and contractors that export control regulations apply to a contract and that the contractor is responsible for compliance with those regulations. Also implements Section 890(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).	08/12/2009 DAR editor sent draft final DFARS rule to OIRA. OIRA reviewing.

## Open DFARS Cases

as of August 28, 2009

Case Number	Part Number	Title	Synopsis	Status
2003-D049	227	(T) Patents, Data, and Copyrights	Implements DFARS transformation noncomplex proposals relating to DFARS Part 227.	06/09/2009OIRA identified draft proposed DFARS rule issues. DAR staff forwarded issues to PD&C Committee.
2003-D028	247	(T) Part 247, Transportation	Implements DFARS Transformation noncomplex proposals relating to DFARS Part 247.	08/28/2009DAR editor/case manager requested DOD approval to publish draft final DFARS rule.