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DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

NOV 02 2018

Ref: 17-F-1141

This is the final response to your June 14, 2017, Freedom of Information Act (FOIA) request, a copy of which is attached for your convenience. We received your request on June 20, 2017, and assigned it case number 17-F-1141. We ask that you use this number when referring to your request.

The Chief Management Officer (CMO), conducted a search of their records systems and located 74 pages, determined to be responsive to your request. The CMO determined this record is appropriate for release in its entirety, without excision. This information is also available online at <https://open.defense.gov/Regulatory-Program/RRTF2.aspx>

I trust that this information fully satisfies your request. If you need further assistance or would like to discuss any aspect of your request, please do not hesitate to contact the Action Officer assigned to your request, Mr. Gary Bonds, at gary.c.bonds2.civ@mail.mil or 571-372-0461, additionally our FOIA Public Liaison is available to assist you and may be reached at 571-372-0462.

Sincerely,

for Stephanie L. Carr
Chief

Enclosures:
As stated

**The Department of Defense Regulatory Reform Task Force
Progress Report
(April 1, 2018 through June 30, 2018)**

I. Reviews During Reporting Period

During this reporting period, the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) reviewed 121 regulations and, as detailed in the attached list, recommends 46 for repeal, 9 for replacement, 15 for modification, and 51 for retention.

One main outcome of DoD's regulatory reform efforts is the removal of outdated regulations, which greatly improves the legitimacy and currency of DoD's codified regulations. Two examples of such recommended repeals from this review period are:

- The regulation governing compensation of certain former operatives incarcerated by the Democratic Republic of Vietnam. All compensation payments were completed by July 2001, and the Vietnam Conimandos Compensation Commission was disbanded.
- The regulations for retrospective stop loss special pay compensation. The last day for submission of claims to the Secretaries of the Military Departments for retroactive stop loss special pay was October 21, 2010. Following that date, the Secretaries concerned are not authorized to make payments.

II. Total Reviews

Since the Task Force began its work in April 2017, it has reviewed 450 DoD regulations, including Defense Federal Acquisition Regulation Supplement clauses and provisions. The Task Force is on track to finalize the review of all codified DoD regulations and provide its recommendations to the Secretary by the end of 2018. Implementation of the recommendations will carry on through several years as regulatory actions must follow certain requirements in accordance with law.

To date, DoD has realized \$2,600,000.00 in actual deregulatory cost savings (through the finalization of regulations) and has identified an estimated _____ in proposed deregulatory cost savings for the public. That savings number should continue to grow as the Task Force and DoD Components work with the Office of Management and Budget (OMB) to analyze the cost savings that may result from additional proposed deregulatory actions. This information will be provided in future reports, as it is approved by OMB.

(b)(5)

Below is an accounting of the Department's total proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" For FY 2018, the performance goal of the Department is to reduce its regulations by 25% in order to meaningfully reduce burden to the public, which the Department is on target to meet.

| Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – June 30, 2018) | Total Reviewed | Percent Reviewed |
|---|------------------------------|-----------------------------|
| Task Force Reviewed Regulations | 450 out of 716 | 63% |
| Task Force Recommended Deregulatory/Repeal Actions | 211 out of 450 | 47% |
| Task Force Recommended Modify/Amend Actions | 36 out of 450 | 8% |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 35 out of 450 | 8% |
| Task Force Recommended Retain Actions | 165 out of 450 | 37% |
| Task Force Deferred Actions for Further Data or GC Review | 3 out of 450 | <1% |
| Administrative Repeal Actions Issued After 20 January 2017 ¹ (not counted as deregulatory actions for purposes of EO 13771) | 43 | |
| Deregulatory Actions Issued After 20 January 2017 ² | 1 | |
| Significant Regulatory Actions Issued After 20 January 2017 ³ | 1 | |
| Deregulatory Actions Issued that included public input/peer review | 1 | |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD | |
| Total Incremental Cost of Deregulatory Actions | Estimated -\$2,600,000.00 | |
| Total Incremental Cost of Proposed Deregulatory Actions ⁴ | Estimated | (b)(5) |

¹ Many of the Department's repeal rules are falling into the category of administrative cleanup and do not count as deregulatory actions under EO 13771.

² Many deregulatory/repeal actions recommended are contingent on the revision of other regulatory actions, and all regulatory actions must be submitted to OMB for review and approval, in accordance with law.

³ Many of the Department's rules are fully or partially exempt or not subject to the requirements of EO 13771.

(b)(5)

III. Implementation

DoD Components have already begun to implement the Task Force's approved recommendations. For example, 44 regulations on various topics have been repealed, and the Task Force is tracking the status of each regulation that it has reviewed. As additional recommendations are approved, the Task Force will ensure that the relevant DoD Components implement all regulatory and deregulatory actions in accordance with the law.

Additionally, in accordance with Executive Order 12866, "Regulatory Planning and Review" and the Department's reform initiatives, DoD Components will be asked to prioritize the regulations they need to issue in the next 12 months.

IV. Conclusion

The Task Force will continue to review DoD regulations in accordance with EO 13777 to support the Department's regulatory reform initiatives to reduce unnecessary regulatory burden on the public. The next Task Force report will include the reviews conducted by the Task Force during the months of July 2018 through September 2018.

**DoD Regulatory Reform Task Force's Fifth Set of Recommendations
(April 1, 2018 through June 30, 2018)**

| RECOMMENDATION: REPEAL (REMOVE) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 48 - Retired Serviceman's Family Protection Plan (RSFPP) | Outdated, unnecessary or ineffective. RSFPP (authorized by 10 U.S.C. Chapter 73, Subchapter I) was terminated as the military retired pay annuity protection plan on September 21, 1972, and replaced by the Survivor Benefit Plan. All elections under RSFPP are complete. |
| 32 CFR 60 - Family Advocacy Command Assistance Team (FACAT) | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 61. |
| 32 CFR 67 - Educational Requirements For Appointment Of Reserve Component Officers To A Grade Above First Lieutenant Or Lieutenant (Junior Grade) | Outdated, unnecessary or ineffective. There is current consideration regarding a legislative change to modify this requirement. |
| 32 CFR 77 - Program To Encourage Public And Community Service (PACS) | Outdated, unnecessary or ineffective. Fiscal Year 2019 NDAA Congressional action to sunset language requiring PACS program and registries. |
| 32 CFR 78 - Voluntary State Tax Withholding From Retired Pay | Outdated, unnecessary or ineffective. Contains only internal procedures that can be covered in DoD FMR, Volume 7B, Chapter 26. Publish a notice in the Federal Register. |
| 32 CFR 85 - Health Promotion | Outdated, unnecessary or ineffective. Content of the rule is internal to the Department. The content regarding smoking is covered by title 41 CFR part 102-74. |
| 32 CFR 94 - 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 | Outdated, unnecessary or ineffective. DHS/USCIS now has purview over naturalization of all persons. The Department has internal policies in place regarding the certification of military service for the purposes of naturalization. |
| 32 CFR 96 - Acquisition And Use Of Criminal History Record Information by The Military Service | Outdated, unnecessary or ineffective. DD Form 369 "Police Records Check," is now used to request local criminal history to accomplish this requirement. The collection of this information is authorized by statute: Title 10 U.S.C. 504, 505 and 12102. |

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| 32 CFR 100 - Unsatisfactory Performance of Ready Reserve Obligation | Outdated, unnecessary or ineffective. Content is internal to the Department. Provides actions to be taken in regard to members of the Ready Reserve whose performance of duty or participation in Reserve training is unsatisfactory. |
| 32 CFR 101 - Participation in Reserve Training Programs | Outdated, unnecessary or ineffective. Content is internal to the Department. Establishes criteria and training requirements for satisfactory participation by members of the Reserve components of the U.S. Armed Forces |
| 32 CFR 110 - Standard Rates Of Subsistence Allowance and Commutation Instead of Uniforms for Members of the Senior Reserve Officers' Training Corps | Outdated, unnecessary or ineffective. Content is internal to the Department. This policy allows for the issuance of subsistence allowance and commutation instead of uniforms for members of Senior ROTC programs located at eligible colleges and universities where students wear a uniform prescribed by the institution instead of Service specific uniforms. |
| 32 CFR 112 - Indebtedness of Military Personnel | Outdated, unnecessary or ineffective. Content is internal to the Department. The part is closely related to 32 CFR 113, Indebtedness Procedures of Military Personnel, which details the process by which a third party can try to collect valid debts from military members through wage garnishment. 32 CFR 112, unlike 113, assigns responsibility and procedures within Department. |
| 32 CFR 143 - DoD Policy on Organizations that Seek to Represent or Organize Members of The Armed Forces In Negotiations of Collective Bargaining | Outdated, unnecessary or ineffective. This part restates the language of the statute, 10 USC §976. The only additional language in 143.7 and 143.8 address internal DoD procedures and guidelines already contained in DoD Instruction 1354.01. |
| 32 CFR 144 - Service by Members of the Armed Forces on State and Local Juries | Outdated, unnecessary or ineffective. Content is internal to the Department. The procedures include providing notice to the states and localities that a member is exempt from jury duty, but they do not impose any requirement or burden on the public. |

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| 32 CFR 199.18 – Uniform HMO Benefit NOT COUNTED IN TOTAL | Outdated, unnecessary or ineffective. This section was repealed and reserved in an interim final rule titled, TRICARE Select and Other TRICARE Reforms that published on September 29, 2017. The interim final rule also revised 199.17 for the purpose of implementing a comprehensive managed health care program for the delivery and financing of health care services in the Military Health System. |
| 32 CFR 213 - Support for NFEs Authorized to Operate on DoD Installations | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 212. |
| 32 CFR 226 - Shelter for the Homeless | Outdated, unnecessary or ineffective. Issue a Federal Register notice with procedures contained in §226.4(h) and remove this part. |
| 32 CFR 242a - Public Meeting Procedures of the Board of Regents, Uniformed Services University of the Health Sciences | Outdated, unnecessary or ineffective. This part is redundant and outdated, creating administrative duplication and inefficiencies, since the requirements exist in statute elsewhere. The Board now complies with the Federal Advisory Committee Act (5 USC App), the General Services Administrations' Federal Advisory Committee Management Regulation (Final Rule, 41 CFR Part 102-3), 10 USC 2113a, and 5 USC 552b. |
| 32 CFR 242b - General Procedures and Delegations of the Board of Regents of the Uniformed Services University Health Sciences | Outdated, unnecessary or ineffective. This part is redundant and outdated, creating administrative duplication and inefficiencies, since the requirements exist in statute elsewhere. The Board now complies with the Federal Advisory Committee Act (5 USC App), the General Services Administrations' Federal Advisory Committee Management Regulation (Final Rule, 41 CFR Part 102-3), 10 USC 2113a, and 5 USC 552b. |

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| 32 CFR 268 - Collecting and Reporting of Foreign Indebtedness Within the Department Of Defense | Outdated, unnecessary or ineffective. Content is internal to the Department. Incorporate content into DoD 7000.14-R, Volume 16, Chapter 6, "Debt Owed to the DoD By Foreign Entities". Note: USD(C) will publish a notice document in the Federal Register. |
| 32 CFR 270 - Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam | Outdated, unnecessary or ineffective. All payments were completed by July 2001 and the Vietnam Commandos Compensation Commission was disbanded. |
| 32 CFR 279 - Retroactive Stop Loss Special Pay Compensation | Outdated, unnecessary or ineffective. The last day for submission of claims to the Secretaries of the Military Departments for Retroactive Stop Loss Special Pay was October 21, 2010. Following that date, the Secretaries concerned are not authorized to make payments. |
| 32 CFR 625 - Surface Transportation—Administrative Vehicle Management | Outdated, unnecessary or ineffective. Repeal of 32 CFR 625 will bring USACE into compliance with DoD Manual 4500.36 "Acquisition, management, and Use of DoD Non-Tactical Vehicles" and AR 58-1 "Management, Acquisition, and Use of Motor Vehicles," which do not allow for the transportation of dependents in non-tactical vehicles provided for DoD personnel when on Temporary Duty. |
| 32 CFR 735 - Reporting Births and Deaths in Cooperation with other Agencies | Outdated, unnecessary or ineffective. This part worked in conjunction with 32 CFR part 138 and filled a gap created by the repeal of 32 CFR part 138; however, this part is incomplete by itself. Repeal this part after DoD internal policy and procedures are published to avoid the creation of an additional policy gap. Currently, 32 CFR part 735 is the only regulation remaining that provides the foundation for the Military Services to report and register births, deaths, and other vital statistics. |
| 32 CFR 811 - Release, Dissemination, and Sale of Visual Information Materials | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |

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| 32 CFR 813 - Visual Information Documentation Program | Outdated, unnecessary or ineffective. Contains only internal procedures covered by Air Force Instructions. |
| 32 CFR 845 - Counsel Fees and Other Expenses in Foreign Tribunals | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. Combine this part with 32 CFR part 151. NOTE: Previously deferred for further review. |
| 32 CFR 881 - Determination Of Active Military Service And Discharge For Civilian Or Contractual Groups | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Incorporate this part into 32 CFR part 47. |
| 33 CFR 210 – Procurement Activities of the Corps of Engineers | Outdated, unnecessary or ineffective. Sections 210.1, 210.2 and 210.3 are duplicative because the FAR Subparts 5, 11, 14 and 15 provide procedures for advance notice, notice of award, commencement, and completion of work. Sections 210.4 and 210.5 are no longer applicable. The Engineer Board was absorbed by the Armed Services Board of Contract Appeals (ASBCA) in July 2000. Unresolved cases formally before the Engineer Board would now use the ASBCA rules. |
| 33 CFR 214 – Emergency Supplies of Drinking Water | Outdated, unnecessary or ineffective. Most of this part is duplicative of 32 CFR part 203, specifically section 203.61. Where this part is not duplicative, the 1974 part is misleading, as its provisions have been superseded by those in 33 CFR part 203. |
| 33 CFR 239 – Federal Participation in Covered Flood Control Channels | Outdated, unnecessary or ineffective. This part is outdated in the reference to the engineering criteria and requirements; redundant in the reference to Federal participation in flood projects as defined under ER 1165-2-21 and 33 CFR 238; and only applies to USACE design criteria for USACE projects. |
| 48 CFR 5108 - Required Sources of Supplies and Services | Outdated, unnecessary or ineffective. Remove clause at 5152.208-9001. FAR subpart 11.6 implements Defense Priorities and Allocation System (DPAS). The provision at FAR 52.211-14 and the clause at FAR 52.211-15 inform offerors and contractors of the requirement of DPAS. |

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| 48 CFR 5119 - Small Business Competitive Demonstration Program | Outdated, unnecessary or ineffective. Public Law expired and DFARS provisions and clauses removed. The clauses at FAR 52.219-6 and 52.219-9 are used to ensure maximum small business participation at the prime and subcontractor levels. |
| 48 CFR 5145 - Government Property | Outdated, unnecessary or ineffective. Remove clauses at 5152.245-9000 and 5152.245-9001. Standard government clauses in the FAR and DFARS have been developed and are actively in use as follows: FAR 52.245-1; DFARS 252.245-7001; DFARS 252.245-7002; DFARS 252.245-7003; and DFARS 252.245-7004. |
| 48 CFR 5152 - Solicitations Provisions and Contract Clauses | Outdated, unnecessary or ineffective. Standard government clauses in the FAR and DFARS have been developed and are actively in use. |
| 48 CFR 5215 - Contracting by Negotiation | Outdated, unnecessary or ineffective. Repeal Title 48, Section 5215 in its entirety. Content has been subsumed into Part 15 of the FAR and DFARS. Clause referred to in 5215.407 has been subsumed into the instructions at FAR 15.403-5. |
| 48 CFR 5242 - Contract Administration | Outdated, unnecessary or ineffective. Repeal Title 48, Section 5242 in its entirety. This is duplicative as there is presently Department-wide policy on "voluntary refunds" for spares and for other items at DFARS 242.7100 and PGI 242.7100. There is also extensive guidance related to the acquisition of spare parts in DFARS 217.7500 and PGI 217.7503. |
| 48 CFR 5252 - Solicitation Provisions and Contract Clauses | Outdated, unnecessary or ineffective. Repeal Title 48, Section 5252 in its entirety. The provision at 5252.215-9000 is duplicative as it has been subsumed into the instructions at FAR 15.403-5. The clause at 5252.242-9000 is duplicative as there is presently Department-wide policy on "voluntary refunds" for spares and for other items at DFARS 242.7100 and PGI 242.7100. |

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| 48 CFR 252.229-7000 - Invoices Exclusive of Taxes or Duties | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.229-7001, Tax Relief. |
| 48 CFR 252.232-7009 - Mandatory Payment by Government-wide Commercial Purchase Card | Outdated, unnecessary or ineffective. Use of the Government-wide Commercial Purchase Card as an acquisition tool for both purchasing and contract payments is a commonly accepted practice. Thus, the original purpose of the clause has been achieved. |
| 48 CFR 252.239-7005 - Rates, Charges, and Services | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.239-7004, Orders for Facilities and Services. |
| 48 CFR 252.239-7008 - Reuse Arrangements | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Insert the text of this clause into DFARS clause 252.239-7007, Cancellation or Termination of Orders. |
| 48 CFR 252.239-7014 - Term of Agreement | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Combine this clause with DFARS 252.239-7013 and -7015. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses. |

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| 48 CFR 252.239-7015 - Continuation of Communication Service Authorizations | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Combine this clause with DFARS 252.239-7013 and -7014. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses. |
| 48 CFR 252.247-7001 - Price Adjustment | Outdated, unnecessary or ineffective. This clause applies to stevedoring services and sealed bidding procedures. Historically, sealed bidding procedures have not been used to procure stevedoring services, and this clause is not currently used in USTRANSCOM contracts. Moreover, this clause outlines procedures for adjusting wage rates which are already covered in FAR 52.222-41 when services are performed in the U.S. |
| 48 CFR 252.247-7003 - Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer | Outdated, unnecessary or ineffective. Business arrangements between a prime contractor and a subcontractor in a commercial environment are negotiated between those two parties and reflect the terms and conditions those parties are willing to accept. As such, this commercial practice should be acknowledged and left to the parties negotiating the commercial contract. |
| 48 CFR 252.247-7020 - Additional Services | Outdated, unnecessary or ineffective. This clause is no longer necessary, as coordination with multi-functional teams and proactive communication with customers has allowed DoD to define what additional services entails and include the requirement in the performance work statement and resultant contract's line item structure. |
| TOTAL RULES FOR REPEAL: 46 | |

| RECOMMENDATION: REPLACE (REVISE) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 47 - Active Duty Service For Civilian or Contractual Groups | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate 32 CFR part 881 and other administrative updates into the part. |
| 32 CFR 50 - Personal Commercial Solicitation on DoD Installations | Outdated, unnecessary or ineffective. The revision of this regulations will include content clarifications where needed concerning the sale of insurance and securities products on DoD installations, as well as reporting persons who have been barred from selling insurance or securities on DoD installations. |
| 32 CFR 88 - Transition Assistance For Military Personnel | Outdated, unnecessary or ineffective. The revision of this regulation will remove all language in the rule that is internal to DoD. The rule to replace the current rule will only address requirements that place a burden on the public and external parties to the DoD such as spouses, employers, Veterans Servicer Organizations and Military Service Organizations. |
| 32 CFR 151 - Status of Forces Policies and Information | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Incorporate 32 CFR part 845 and other administrative updates into the part. |
| 32 CFR 212 - Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense (DoD) Installations | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Revise regulation to incorporate content from 32 CFR part 213 and add new content regarding home-based businesses. |

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| 48 CFR 252.229-7001 - Tax Relief | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine the language of DFARS Clause 252.229-7000, Invoices Exclusive of Taxes or Duties, with this clause. |
| 48 CFR 252.239-7004 - Orders for Facilities and Services | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine the language of DFARS Clause 252.239-7005, Rates, Charges, and Services, with this clause. |
| 48 CFR 252.239-7007 - Cancellation or Termination of Orders | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Add the text of DFARS Clause 252.239-7008, Reuse Arrangements, to this DFARS clause. |
| 48 CFR 252.239-7013 - Obligation of the Government | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Combine this clause with DFARS 252.239-7014 and -7015. All are intended for use in basic agreements for telecommunications services. While the requirements mandated by the clauses will remain the same, combining these clauses reduces the administrative burden on the contractor by addressing all information regarding basic agreements rather than in three separate clauses. Note: Previously reviewed 10.12.2017. RRTF changed recommendation from retain to revise. |
| TOTAL RULES FOR REVISION: 9 | |

| RECOMMENDATION: MODIFY (AMEND) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 28 - New Restrictions on Lobbying | Outdated, unnecessary or ineffective. This is part of a common rule. It serves as the regulatory implementation of 31 U.S.C. 1352. The FAR includes the comparable requirements for Federal procurement as the statute applies to contracts as well as specified types of assistance. As part of the overall revision of the DoDGARs, this part eventually will be relocated to 2 CFR Chapter XI. |
| 32 CFR 44 - Screening the Ready Reserve | Outdated, unnecessary or ineffective. The modification of this regulation will include administrative updates to incorporate NDAA 2016, section 511 updated screening requirements, updated USD(P&R) organizational structure, and other minor updates. |
| 32 CFR 104 - Civilian Employment Rights For Service Members, Former Service Members And Applicants Of The Uniformed Services | Outdated, unnecessary or ineffective. The modification of this part will remove content internal to the Department. DASD Reserve Integration has established a working group to evaluate for necessary updates. Recommendations may result in additional changes. |
| 32 CFR 113 - Indebtedness Procedures of Military Personnel | Outdated, unnecessary or ineffective. The modification of this part will remove references to CFR 112 that is recommended for repeal and include a references to DoD Instruction 1344.09 that addresses the internal procedures and responsibilities. The appendices containing sample forms will be replaced by a link to the website containing the most current forms. |
| 32 CFR 199.13 – TRICARE Dental Program NOT COUNTED IN TOTAL | Outdated, unnecessary or ineffective. The modification of this section will update OHI to allow for an exception to enrollment when alternate coverage is available to a family member; correct cost shares for sealants; redefine definition of CONUS/OCONUS. |

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| 32 CFR 199.16 – Supplemental Health Care Program for Active Duty Members NOT COUNTED IN TOTAL | Outdated, unnecessary or ineffective. The modification of this section will allow the Director, DHA, to delegate authorization of individual SHCP waivers to Service Medical HQs for non-TRICARE covered services. Those services where delegation is not authorized will be listed in the SHCP-DHA PI. |
| 32 CFR 199.20 – Continued Health Care Benefit Program (CHCBP) | Outdated, unnecessary or ineffective. Updates required per recent statutory changes. An Interim Final Rule titled, TRICARE Select and Other TRICARE Reforms was published on September 29, 2017, and replaced TRICARE Standard with TRICARE Select coverage as of January 1, 2018; established "Group B" beneficiary cost shares and deductibles; and made a technical correction to eligibility criteria for certain former spouses to qualify to purchase more than 36 months of coverage. |
| 32 CFR 199.23 – Special Supplemental Food Program NOT COUNTED IN TOTAL | Outdated, unnecessary or ineffective. The modification of this section includes minor verbiage changes to remove TMA and replace it with DHA. This rule is necessary to effectively implement the WIC Overseas Program required by 10 U.S.C. 1060a. |
| 32 CFR 199.26 – TRICARE Young Adult (TYA) NOT COUNTED IN TOTAL | Outdated, unnecessary or ineffective. Updates required per recent statutory changes. An Interim Final Rule titled, TRICARE Select and Other TRICARE Reforms was published on September 29, 2017, and replaced TYA Standard with TYA Select coverage as of Jan. 1, 2018; established "Group B" beneficiary cost shares and deductibles; required a qualifying life event to occur should the former dependent wish to re-purchase coverage after termination of coverage for failing to pay premiums; deleted references to retroactive coverage permitted at the start of TYA in 2011; and deleted the definition of undue hardship. |

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| 32 CFR 621 - Loan and Sale of Property | Outdated, unnecessary or ineffective. The modification of this part removes content unique to the Army and other DoD activities and guidance pertaining to the loan of Army and Defense Logistics Agency-owned property for use at national and State conventions. Also, it will include administrative updates to references. Note: Previously deferred for further review. |
| 32 CFR 623 - Loan of Army Materiel | Outdated, unnecessary or ineffective. The modification of this part remove content unique to the Army and other DoD activities, and include administrative updates to references. Note: Previously deferred for further review. |
| 32 CFR 861, "DoD Commercial Air Transportation Quality and Safety Review Program | Outdated, unnecessary or ineffective. The modification of this regulation will include administrative updates to terminology, definitions, titles, office symbols, etc. |
| 32 CFR 935 - Wake Island Code | Outdated, unnecessary or ineffective. Streamline and reduce the content by incorporation of aspects of other governing law into this part by reference. |
| 33 CFR 238 – Flood Damage Reduction Measures in Urban Areas | Outdated, unnecessary or ineffective. The modification will incorporate engineering criteria into the part for federal participation in urban settings and update the exception process. |
| 36 CFR 327 - Rules and Regulations Governing Public Use of Water Resources Development Projects Administered by the Chief of Engineers | Outdated, unnecessary or ineffective. Modifications to this part include sections 327.13- Explosives, Firearms, Other Weapons and Fireworks (to be more permissive and consistent with state firearm possession laws); 327.4 - Aircraft (for consistency with FAA jurisdiction and developments in unmanned aviation systems technology); 327.5 – Swimming (for clarifying swimming and diving regulations), and 327.11 – Control of Animals (to address control of unattended pets and to address new federal service animal regulations). |

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| 40 CFR Part 1700 - Uniform National Discharge Standards for Vessels of the Armed Forces | Outdated, unnecessary or ineffective. The Uniform National Discharge Standards requires the EPA and DoD to jointly develop uniform national standards to control certain discharges incidental to the normal operation of a vessel of the Armed Forces (33 U.S.C. 1322). The phase 2 final rule modifying these standards is estimated to publish in December 2018. |
| 48 CFR 252.204-7002 - Payment for Subline Items not Separately Priced | Outdated, unnecessary or ineffective. There are instances in which a NSP item is identified as an individual deliverable on a contract, even though it is a part/component of a priced item on a different line item. Since 1970, DoD has implemented a more standardized approach to contract line item structure. As a result, this clause needs to be updated to clarify its use in contracts and its intent for contractors. |
| 48 CFR 252.228-7005 - Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles | Outdated, unnecessary or ineffective. Modify the clause to make it mandatory because there is no situation in which the requirements of the clause would not be desirable to DoD when contracting for the manufacture, modification, overhaul, or repair of aircraft, missiles, and space launch vehicles. |
| 48 CFR 252.243-7001 - Pricing of Contract Modifications | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate regulations to eliminate any inconsistencies and increase efficiency. Add the text of DFARS Clause 252.231-7000, Supplemental Cost Principles, to this DFARS clause. |
| TOTAL RULES FOR AMENDMENT: 15 | |

| RECOMMENDATION: RETAIN (NO CHANGES) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 26 - Government-wide Requirements for Drug-Free Workplace (Financial Assistance) | This part is required by OMB guidance at 2 CFR 182.20 as follows: "To comply with the requirement in Section 41 U.S.C. 705 for Government-wide regulations, each Federal agency that awards grants or cooperative agreements or makes other financial assistance awards that are subject to the drug-free workplace requirements in subparts A through F of the guidance must issue a regulation consistent with those subparts." As part of the overall revision of the DoDGARs, this part eventually will be relocated to 2 CFR Chapter XI. |
| 32 CFR 53 - Wearing of the Uniform | Prescribes limitations on the wearing of the uniform by members of the Armed Forces, including reserves and retirees, and establishes policy with respect to wearing of the uniform by former members of the Armed Forces. |
| 32 CFR 74 - Appointment Of Doctors Of Osteopathy As Medical Officers | This part establishes eligibility criteria required for a citizen of the United States to be appointed as a Medical Corps officer in the Army and Navy, or designated as medical officer in the Air Force. Section 74.2 adds requirements beyond what is enumerated in the public law. |
| 32 CFR 108 - Health Care Eligibility under the Secretarial Designee Program and Related Special Authorities | Establishes policy and assigns responsibilities under 10 U.S.C. 1074(c) for health care eligibility under the Secretarial Designee Program. Implements the requirement of 10 U.S.C. 2559 that the United States receive reimbursement for inpatient health care provided in the United States to foreign military or diplomatic personnel or their dependents. |
| 32 CFR 252 - Professional U.S. Scouting Organization Operations at U.S. Military Installations Overseas | The part calls for a written agreement that outlines support provided by DoD and services provided by qualified scouting organizations. These agreements replace the need for qualified scouting organizations to submit application packages to gain approval from the installation commander as required by 32 CFR part 212. These agreements are valid for nine years. |

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| 32 CFR 260 - Vending Facility Program for the Blind on DoD-Controlled Federal Property | This part informs potential vendors that meet the requirements of 20 U.S.C. 107 et seq. and 34 CFR part 395 (i.e., blind licensees) how to apply for permission to operate on a DoD installation. |
| 32 CFR 273 - Defense Materiel Disposition | Prescribes procedures for the disposition of DoD personal property, provides procedures for disposal of excess property and scrap, and provides procedures for property donations, loans, and exchanges. Note: Previously deferred for further review. |
| 48 CFR 5231 - Contract Cost Principles and Procedures | Public Law 105-85 provides authority to broaden and strengthen the shipbuilding industrial base by providing an incentive for a shipbuilder to obtain new private sector work thereby reducing the Navy's cost of doing business. |
| 48 CFR 252.204-7006 - Billing Instructions | This clause ensures that funds are properly disbursed and helps to avoid the misallocation of funds or violation of the Anti-Deficiency Act. It provides the clarity DoD needs to appropriately track contract expenditures. |
| 48 CFR 252.204-7007 - Alternate A, Annual Representations and Certifications | This provision enables DoD to use SAM to centrally collect annual representations and certifications for required DFARS provisions from prospective offerors; rather than require offerors to complete the provisions as a part of each offer submitted to the DoD. It allows the DFARS provisions to be collected in SAM along with the FAR provisions captured as annual representations and certifications. This approach has been established as a government-wide best practice. |
| 48 CFR 252.206-7000 - Domestic Source Restriction Provision | The provision is necessary to implement 10 U.S.C. 2304(c)(3) and notifies countries in a clear and consistent manner that they may not compete on a given requirement, as it is restricted to domestic sources for the reasons provided in 10 U.S.C. 2304(c)(3). |
| 48 CFR 252.211-7002 - Availability for Examination of Specifications, Standards, Plans, Drawings, Data Item Descriptions and Other Pertinent Documents | The clause provides offerors with necessary information on where to examine requirements documents, which are unavailable for distribution, and upon which the offeror bases its proposal. |

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| 48 CFR 252.211-7007 - Reporting of Government-Furnished Property (GFP) | The clause communicates to contractors their responsibilities regarding GFP and the Item Unique Identification registry. This communication facilitates an integrated approach to tracking government property across DoD that provides traceability at any time in an item's lifecycle. Such traceability enables DoD to efficiently manage its assets, be audit ready, and mitigate counterfeit item risk. |
| 48 CFR 252.213-7000 - Notice to Prospective Suppliers on Use of Past Performance Information Retrieval System—Statistical Reporting in Past Performance Evaluations | This clause notifies offerors of the source and use of information that will contribute to their past performance evaluation by the contracting officer when making a contract award decision. |
| 48 CFR 252.217-7027 - Contract Definitization | While civilian agencies have the authority to enter into letter contracts, they do not have the authority to enter into the other types of undefinitized actions that are permitted for DoD. Therefore, there is no FAR text that can meet DoD's needs under the authority granted under 10 USC 2326. |
| 48 CFR 252.222-7003 - Permit from Italian Inspectorate of Labor | Issuance of work permits is mandatory in Italy. This clause helps to ensure compliance with the law by informing contractors of their obligation to obtain a work permit, and protects DoD's interests by permitting the termination of the contract, at no cost to DoD, in the event that the contractor fails to obtain the requisite permit. |
| 48 CFR 252.222-7004 - Compliance with Spanish Social Security Laws and Regulations | Spanish social security laws and regulations, which generally apply to all employees who render services in Spanish territories, require employers to register as an employer in Spain and make the necessary contributions for its employees. This clause ensures contractor compliance with Spanish law. |
| 48 CFR 252.222-7005 - Prohibition on Use of Nonimmigrant Aliens—Guam | This clause implements section 390 of the NDAA 1998, which requires that each DoD contract for base operations support to be performed on Guam prohibit performance of work under the contract by any alien who is issued a visa or otherwise provided non-immigrant status under the Immigration and Nationality Act. |

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| 48 CFR 252.223-7001 - Hazard Warning Labels | This clause facilitates DoD oversight and the safe handling of hazardous material across the DoD workforce. |
| 48 CFR 252.223-7008 - Prohibition of Hexavalent Chromium | This clause helps implement DoD policy that addresses the serious human health and environmental risks related to the use of hexavalent chromium. |
| 48 CFR 252.225-7011 - Restriction on Acquisition of Supercomputers | This clause helps ensure DoD and contractor compliance with the manufacturing restriction for supercomputers. The restriction helps to protect United States technology interests and prevent the transfer of leading edge technology. |
| 48 CFR 252.225-7017 - Photovoltaic Devices | This clause provides DoD-wide guidance to contractors on how to comply with several complex laws and agreements when performing under a "covered" contract that utilizes photovoltaic devices. |
| 48 CFR 252.225-7018 - Photovoltaic Devices—Certificate | This provision provides DoD-wide guidance to contractors on how to comply with several complex laws and agreements when performing under a "covered" contract that utilizes photovoltaic devices. It provides the contracting officer with additional information that is not available elsewhere and, upon which, the contracting officer relies on to make a contract award. |
| 48 CFR 252.225-7040 - Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States | This clause implements DoD-wide policy on the uniform treatment of contractors that accompany a deployed force, and enables combatant commanders to maintain awareness of and accountability for contractor personnel and contracted capabilities by requiring contractor use of the Synchronized Pre-deployment and Operational Tracker. |
| 48 CFR 252.225-7043 - Antiterrorism/Force Protection for Defense Contractors Outside the United States | This clause ensures that employees of DoD contractors and subcontractors receive timely and up-to-date security information that aims to protect their physical safety when traveling outside the U.S. |

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| 48 CFR 252.228-7006 - Compliance with Spanish Laws and Insurance | According to the Agreement of Friendship and Cooperation Between the U.S. and Spain, the U.S. Government must require contractors (that are non-Spanish concerns) to obtain insurance on its employees that covers any civil liabilities that may occur when performing in Spanish territories. The clause ensures compliance with the agreement by notifying contractors of Spanish insurance requirements. |
| 48 CFR 252.229-7002 - Customs Exemptions (Germany) | This clause ensures that DoD is afforded the proper relief under an international agreement, notifies the contractor of the duty-free agreement between the U.S. and Germany, and provides an authorization to the contractor to use the duty-free provision. |
| 48 CFR 252.229-7003, Tax Exemptions (Italy) | This clause ensures DoD contracts and subcontracts do not include taxes from which the US government is exempt, and implements a DoD-wide process to provide the contractor with proper certification documentation. |
| 48 CFR 252.229-7004 - Status of Contractor as a Direct Contractor (Spain) | This clause implements a DoD-wide process for communicating to contractors their status under the Complementary Agreement 5 of the Agreement on Friendship and their resulting responsibilities to ensure compliance with the Agreement. |
| 48 CFR 252.229-7005 - Tax Exemptions (Spain) | This clause ensures DoD contracts and subcontracts do not include taxes from which the U.S. government is exempt. |
| 48 CFR 252.229-7006 - Value Added Tax Exclusion (United Kingdom) | This clause provides the contractor with a certification to properly document the applicable exemption and ensures that DoD contracts do not include taxes from which the U.S. government is exempt. |
| 48 CFR 252.229-7007 - Verification of United States Receipt of Goods | In accordance with Reference Note 431 of Her Majesty's Revenue and Customs, this clause provides the contractor with the certification that is required from the contracting officer in order for the contractor to obtain a refund of the import duties assessed under the contract. |

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| 48 CFR 252.229-7008 - Relief from Import Duty (United Kingdom) | This clause ensures DoD contracts do not include United Kingdom import duties from which the U.S. government is exempt. |
| 48 CFR 252.229-7009 - Relief from Customs Duty and Value Added Tax on Fuel (Passenger Vehicles) (United Kingdom) | This clause implements an agreement between the United States Government and Her Majesty's Customs and Excise, which exempts any fuels or lubricants used by passenger vehicles in performance of a U.S. contract from customs duties and value added tax for fuel. |
| 48 CFR 252.229-7010 - Relief from Customs Duty on Fuel (United Kingdom) | This clause implements an agreement between the United States Government and Her Majesty's Customs and Excise, which permits relief from custom duty on fuels or lubricants used in taxis and vehicles (other than passenger vehicles) performing under U.S. contracts. |
| 48 CFR 252.229-7011 - Reporting of Foreign Taxes -- U.S. Assistance Programs | This clause advises contractors that the commodities under the contract shall be exempt from all taxes and duties imposed by the recipient country; and requires the contractor to notify the foreign government of the tax exemption and notify the Government if taxes are nevertheless imposed on the commodities. |
| 48 CFR 252.229-7012 - Tax Exemptions (Italy) - Representation | This clause identifies the Italian taxes for which DoD is exempt from paying under the contract, ensures that DoD does not pay taxes from which it is exempt, and provides the contracting officer with additional information that would otherwise be unavailable and, upon which, the contracting officer relies on to make a contract award. |
| 48 CFR 252.232-7000 - Advance Payment Pool | This clause advises the contractor that advance payments will be made in accordance with the authorization for advance payment, and payments will be governed by the terms of the Advanced Payment Pool Agreement, which is incorporated in the contract by reference. |

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| 48 CFR 252.232-7003 - Electronic Submission of Payment Requests and Receiving Reports | By notifying the contractor of the electronic submission requirements via Wide Area Work Flow, this clause helps DoD implement the requirements of 10 U.S.C. 2227. Electronic invoicing facilitates a streamlined and efficient method for payment processing, reduces late payment penalties, and provides both the contractor and the Government with information and transparency into the invoicing and payment process. |
| 48 CFR 252.232-7006 - Wide Area Workflow Payment Instructions | This clause supports DoD's implementation of 10 U.S.C. 2227, which requires use of electronic invoicing and the processing of supporting documents by DoD. The clause ensures consistent guidance and pertinent information is being provided to contractors in an effort to mitigate input and processing errors with the system. |
| 48 CFR 252.232-7007 - Limitation of Government's Obligation | This clause provides DoD standardized wording and procedures for incrementally funding fixed-price contracts, and protects DoD from incurring cost under the contract that is in excess of the funding available for the contract effort. |
| 48 CFR 252.232-7014 - Notification of Payment in Local Currency (Afghanistan) | FRAGO 09-1567 and 10-143 are still in effect for DoD. This provision provides offerors, and DoD with a single understanding of how payment will be made under the contract in accordance with applicable policies. |
| 48 CFR 252.237-7000 - Notice of Special Standards of Responsibility | This provision implements audit policies that require non-federal auditors performing work for DoD components to be subject to Government Accounting Standards. |
| 48 CFR 252.242-7004 - Material Management and Accounting System | This clause helps to ensure that applicable laws and regulations are complied with and provides the contractor with standardized and consistent information on DoD requirements and processes related to material management and accounting systems. |

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| 48 CFR 252.242-7006 - Accounting System Administration | This clause adds value by describing the criteria for an "acceptable accounting system," "accounting system" and what constitutes a "significant deficiency" in the accounting system. These descriptions provide the framework and criteria for an acceptable accounting system to a contractor and is not prescribed elsewhere in the DFARS. |
| 48 CFR 252.245-7000 - Government-Furnished Mapping, Charting, and Geodesy Property | This clause provides language to ensure that DoD-furnished Mapping, Charting, and Geodesy property is properly disposed of at the end of the contract performance period to preclude improper use. |
| 48 CFR 252.245-7003 - Contractor Property Management System Administration | This clause helps to ensure that applicable laws and regulations are complied with and provides the contractor with standardized and consistent information on DoD requirements and processes related to contractor property management systems. |
| 48 CFR 252.246-7000 - Material Inspection and Receiving Report | Inspection and receiving reports serve various logistic and quality assurance functions (e.g., evidence of Government quality assurance at origin or destination, evidence of acceptance, packing lists). They serve as a requisite piece of documentation to demonstrate what has been provided to the Government by a contractor, and the Government's subsequent inspection and acceptance of those goods and/or services. This clause ensures contractors provide this documentation to the Government, in accordance with DoD policies and procedures. |
| 48 CFR 252.247-7002 - Revision of Prices | USTRANSCOM commonly uses negotiated procedures to award stevedoring services, and in turn, incorporates this clause into resultant contracts. This clause provides the contractor and DoD with a standardized process under which to request contract prices be re-negotiated based on changes in working conditions, including wages, when sufficient documentation is provided. |

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| 48 CFR 252.247-7007 - Liability and Insurance | The liability and insurance information in this clause is specific to vessel cargo operations. In order to protect the Government and contractor's interests when performing under these contracts, it is essential to assure adequate contractor insurance for injuries to third parties, maintain Government subrogation rights, and assure the contractor assists the Government in prosecution of suits against third parties. |
| 48 CFR 252.247-7025 - Reflagging or Repair Work | This clause requires that all reflagging and repair work be performed in the U.S., or its outlying areas, if the work is on a vessel that was proposed under the contract and the work is performed prior to acceptance of the vessel by the Government. |
| TOTAL RULES FOR RETENTION: 51 | |

| RECOMMENDATION: DEFER | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 233 - Federal Voting Assistance Program (FVAP) | P&R should revisit recommendation to repeal. Regulation might be needed for engagement with Executive Branch agencies such as the State Department and to provide guidance to State and local election officials. However, guidance internal to the Department can be removed from this part. |
| 32 CFR 719 - Regulations Supplementing the Manual for Courts-Martial | Joint Service Committee does not believe that consolidating this part into an overarching DoD-level rule for the MCM is advisable because: -Does not want to incorporate CFR into MCM -Concerned that consolidation would interfere with their authority -Prerogatives and authorities given by statute. Note: Previously deferred |
| 48 CFR 252.222-7002 - Compliance with Local Labor Laws (Overseas) | This clause informs contractors of their obligation to comply with all host country labor laws and protects DoD by indemnifying the U.S. against claims resulting from any alleged or actual acts of non-compliance by the contractor. |
| TOTAL RULES DEFERRED: 3 | |

**The Department of Defense Regulatory Reform Task Force
Progress Report
(December 1, 2017 through March 30, 2018)**

I. Reviews During Reporting Period

During this reporting period, December 1, 2017 through March 30, 2018, the Department of Defense Regulatory Reform Task Force (Task Force) reviewed 124 regulations and, as detailed in the attached list, recommends 44 for repeal, 8 for replacement, 3 for modification, and 65 for retention. There are 4 regulations that require additional review.

A significant recommendation is to repeal and consolidate multiple DoD Component claims regulations and remove content internal to the Department making claims processing easier to understand and more transparent. These consolidations will reduce the number of claims regulations from 11 to 4. These regulations cover claims against and on behalf of the United States, administrative and general claims, personnel and property claims, admiralty claims, non-appropriated fund activities claims, and affirmative claims. The public will have fewer regulations to review that will cover the many types of claims that may be filed. Consolidation of all claims regulations into a single DoD-level regulation was not recommended as OSD does not actively manage the services' claims programs.

II. Total Reviews

Since the Task Force began its work in April 2017, it has conducted 336 reviews of 331 DoD regulations, including Defense Federal Acquisition Regulation Supplement clauses and provisions. Five regulations were reviewed twice and each time the Task Force overturned its previous recommendation. An estimated \$81,498,796.00 in regulatory cost savings for the public has been identified and approved by the Office of Management and Budget (OMB). That savings number should continue to grow as the Task Force and DoD Components work with the OMB to analyze the cost savings that may result from additional proposed deregulatory actions. This information will be provided in future reports, as it is approved by OMB.

Below is an accounting of the Department's total proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" For FY 2018, the performance goal of the Department is to reduce its regulations by 25% in order to meaningfully reduce burden to the public, which the Department is on target to meet.

| Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – March 30, 2018) | Total Reviewed | Percent Reviewed |
|--|-------------------------------|-----------------------------|
| Task Force Reviewed Regulations | 331 out of 716 | 46% |
| Task Force Recommended Deregulatory/Repeal Actions | 165 out of 331 | 50% |
| Task Force Recommended Modify/Amend Actions | 20 out of 331 | 6% |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 27 out of 331 | 8% |
| Task Force Recommended Retain Actions | 115 out of 331 | 35% |
| Task Force Deferred Actions for Further Data or GC Review | 4 out of 331 | 1% |
| Administrative Repeal Actions Issued After 20 January 2017 (not counted as deregulatory actions for purposes of EO 13771) | 11 | |
| Deregulatory Actions Issued After 20 January 2017 ¹ | 0 | |
| Significant Regulatory Actions Issued After 20 January 2017 | 0 | |
| Deregulatory Actions Issued that included public input/peer review | 0 | |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD | |
| Total Incremental Cost of Proposed Deregulatory Actions | Estimated -\$81,498,796.00 | |

¹ Many deregulatory/repeal actions recommended are contingent on the revision of other regulatory actions, and all regulatory actions must be submitted to OMB for review and approval, in accordance with law.

III. Implementation

DoD Components have already begun to implement the Task Force's approved recommendations. For example, 15 regulations on various topics have been repealed. As additional recommendations are approved, the Task Force will ensure that the relevant DoD Components implement all regulatory and deregulatory actions in accordance with the law.

Additionally, in accordance with Executive Order 12866, "Regulatory Planning and Review" and the Department's reform initiatives, DoD Components are prioritizing the regulations they need to issue in the next 12 months. The components will be asked to reprioritize their list of regulations on a semi-annual basis at the same time the DoD Unified Agenda of Regulatory and Deregulatory Actions is submitted to OMB.

IV. Public Comments

In accordance with Section 3(e) of Executive Order 13777, four notices were published in the *Federal Register* to seek input from the public on which DoD regulations should be repealed, replaced, or modified. Below is a summary of the comments received:

The Army Corps of Engineers subgroup received 1,456 public comments (153 unique comments from individuals, 22 federal, tribal, and state agency comments, 60 non-governmental organizational comments, and 1,221 wetland comments). Some of the most common topics contained in the comments included firearms on Corps projects, sections of the Clean Water Act, Corps water resource projects, National Environmental Policy Act, waters of the United States, and historic properties.

The Defense Federal Acquisition Regulations Supplement (DFARS) subgroup received 192 comments from 20 respondents. The DFARS subgroup is sharing comments that extend beyond the DFARS solicitation provisions and contract clauses with the Section 809 Panel tasked to review and recommend streamlining for the acquisition system.

The TRICARE subgroup received 10 comments from the American Psychological Association, the American Podiatric Medical Association, the National Center for Transgender Equality, the Coalition for Government Procurement, and a healthcare resource group.

The primary Task Force, on behalf of the OSD Components, received 65 comments on various regulations. The Task Force has provided these comments to the appropriate OSD Components for consideration.

V. Conclusion

The Task Force will continue to review DoD regulations in accordance with EO 13777 to support the Department's regulatory reform initiatives to reduce unnecessary regulatory burden on the public. The next Task Force report will include the reviews conducted by the Task Force during the months of April 2018 through June 2018.

**DoD Regulatory Reform Task Force's Fourth Set of Recommendations
(December 1, 2017 through March 30, 2018)**

| RECOMMENDATION: REPEAL (REMOVE) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 165 - Recoupment of Nonrecurring Costs (NCs) on Sales of U.S. Items | Outdated, unnecessary or ineffective. Internal DoD guidance. Should be incorporated into DoD 7000.14-R, Volume 15, Chapter 7. A notice will be published in the Federal Register. NOTE: Previously deferred for further review. |
| 32 CFR 172 - Disposition of Proceeds from DoD Sales of Surplus Personal Property | Outdated, unnecessary or ineffective. Internal DoD guidance. Should be incorporated into DoD 7000.14-R, Volume 11A, Chapter 5. |
| 32 CFR 282 – Procedures for Settling Personnel and General Claims and Processing Advance Decision Requests | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 510 – Chaplains | Outdated, unnecessary or ineffective. Internal DoD guidance. Incorporate into an internal Army regulation 165-1. |
| 32 CFR 537 – Claims on Behalf of the United States | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 538 – Military Payment Certificates | Outdated, unnecessary or ineffective. Military Payment Certificates have not been used since the Vietnam War. EagleCash Stored Value Cards are now in use, and are under the purview of the Department of Treasury. |
| 32 CFR 542 - Schools and Colleges | Outdated, unnecessary or ineffective. Claim military affairs exemption which covers anything that should be handled directly by the military due to their unique experience. This part does not include requirements beyond what is in statute. Requirements can be handled in internal DoD guidance. NOTE: Previously deferred for further review. |

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| 32 CFR 562 - Reserve Officers' Training Corps | Outdated, unnecessary or ineffective. Claim military affairs exemption which covers anything that should be handled directly by the military due to their unique experience. This part does not include requirements beyond what is in statute. Requirements can be handled in internal DoD guidance. NOTE: Previously deferred for further review. |
| 32 CFR 571 - Recruiting and Enlistments | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. NOTE: Previously deferred for further review. |
| 32 CFR 631 – Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations | Outdated, unnecessary or ineffective. Internal Department of the Army policy. Associated internal Army Regulation 190-24. |
| 32 CFR 633 – Individual Requests for Access or Amendment of CID Reports of Investigation | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation. Recommend this part be merged with 32 CFR part 635. |
| 32 CFR 643 – Real Estate | Outdated, unnecessary or ineffective. Internal USACE policy such as authority, policy, responsibility and delegations for real property actions under the control of the Department of the Army. |
| 32 CFR 644 – Real Estate Handbook | Outdated, unnecessary or ineffective. Internal USACE policy such as authority, policy, responsibility and delegations for real property actions under the control of the Department of the Army. |
| 32 CFR 700 – United States Navy Regulations and Official Records | Outdated, unnecessary or ineffective. Internal Department of the Navy guidance. DON has a public facing website that is up to date and fully accessible. |
| 32 CFR 701, Subpart E - Indexing, Public Inspection, and Federal Register Publication of Department of the Navy Directives and Other Documents Affecting the Public | Outdated, unnecessary or ineffective. Internal Department of the Navy guidance on their Federal Register process. |
| 32 CFR 705 - Public Affairs Regulations | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |

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| 32 CFR 706 - Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea (COLREGS), 1972 | Outdated, unnecessary or ineffective. Implements the COLREGS treaty. Both 33 USC 1605 and EO 11964 require the Navy to publish notice in the Federal Register of any certification of alternate compliance. Repeal rule and publish a Federal Register notice. |
| 32 CFR 707 - Special Rules With Respect to Station and Signal Lights | Outdated, unnecessary or ineffective. Implements the COLREGS treaty. Both 33 USC 1605 and EO 11964 require the Navy to publish notice in the Federal Register of any special station or signal lights used on naval vessels. Repeal rule and publish a Federal Register notice. |
| 32 CFR 716 – Death Gratuity | Outdated, unnecessary or ineffective. Internal Department of the Navy guidance. DON instructions and policies are consistent with 10 USC 1475-1480. |
| 32 CFR 718 - Missing Persons Act | Outdated, unnecessary or ineffective. This Navy regulation does not add any requirements beyond what is statute. DoD Instruction 2310.05 provides internal requirements for the DoD regarding missing persons. |
| 32 CFR 727 – Legal Assistance | Outdated, unnecessary or ineffective. Internal Department of the Navy guidance. Sets out internal structure and procedures that do not affect how members of the public engage the DON regarding legal assistance. |
| 32 CFR 728 – Medical and Dental Care for Eligible Persons at Navy Medical Department Facilities | Outdated, unnecessary or ineffective. Superseded by 32 CFR part 108 and 32 CFR part 199. |
| 32 CFR 732 – Non-naval Medical and Dental Care | Outdated, unnecessary or ineffective. Superseded by 32 CFR part 199.16. |
| 32 CFR 736 - Disposition of Property | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 744 – Policies and Procedures for the Protection of Proprietary Rights in Technical Information Proposed for Release to Foreign Governments | Outdated, unnecessary or ineffective. Duplicative of 32 CFR part 264, section 264.4(d)(3), which covers the international exchange of patent rights and technical information and grants authority to the "Secretary of the Military Department concerned, or his designee" to release technical information. |

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| 32 CFR 746 – Licensing of Government Inventions in the Custody of the Department of the Navy | Outdated, unnecessary or ineffective. Department of Commerce rule at 37 CFR part 404 covers this area. There is a SECNAV Instruction that implements 37 CFR part 404. |
| 32 CFR 751 – Regulations for Implementing the Military Personnel and Civilian Employees' Claims Act (PCA) | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 752 – Admiralty Claims | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 755 – Claims for Injuries to Property under Article 139 of the Uniform Code of Military Justice | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 756 – Procedures for Processing Claims Involving Non-Appropriated Fund Activities (NAFI) and Their Employees Activities | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 757 –Regulations for Implementing the Federal Claims Collection Act (FCA) -- Affirmative Claims Regulations | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 766 –Use of DON Aviation Facilities by Civil Aircraft | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another regulation on a similar subject. Incorporate this part into 32 CFR 855. |
| 32 CFR 807 - Sale to the Public | Outdated, unnecessary or ineffective. Directs AF management & delivery of products. There is a current public access website unless something is classified. |
| 48 CFR 252.211-7000 - Acquisition Streamlining | Outdated, unnecessary or ineffective. Clause is no longer necessary as the corresponding internal guidance has been cancelled and industry participation in acquisition streamlining can be considered and addressed when drafting an acquisition plan. |
| 48 CFR 252.216-7005 - Award Fee | Outdated, unnecessary or ineffective. The information contained in this clause is included in the award fee plan in accordance with FAR 16.401. |

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| 48 CFR 252.223-7002 - Safety Precautions for Ammunition and Explosives | Outdated, unnecessary or ineffective. The information in this clause is related to contractor performance in accordance with a DoD Instruction and should be included in the performance work statement. Instructions to contracting officers. |
| 48 CFR 252.223-7007 - Safeguarding Sensitive Conventional Arms, Ammunition, and Explosives | Outdated, unnecessary or ineffective. The information in this clause is related to contractor performance and responsibilities in accordance with a DoD Instruction and should be included in the performance work statement. |
| 48 CFR 252.228-7004 - Bonds or Other Security | Outdated, unnecessary or ineffective. Solicitation provision. FAR clause 52.228-16, Performance and Payment Bonds—Other than Construction, and FAR provision 52.228-1, Bid Guarantee, already provides this information. |
| 48 CFR 252.236-7009 - Option for Supervision and Inspection Services | Outdated, unnecessary or ineffective. Clause is of limited use and then only under atypical circumstances. Contracting activities can better address these requirements, to the extent needed, within the scope of a contract. The need for architect-engineers to perform supervision and inspection services during construction is unusual. |
| 48 FR 252.239-7006 – Tariff Information | Outdated, unnecessary or ineffective. Clause added in 1970 because it was difficult to get appropriate tariff information to contracting officer. Due to advancements and the implementation of regulation (47 CFR 42.10) that requires all tariff and non-tariff documents to be electronically published, this clause has become obsolete. |
| 48 CFR 252.247-7004 - Indefinite Quantities-Fixed Charges | Outdated, unnecessary or ineffective. Clause provides no additional protection for the contractor or the Government. Descriptions, quantities, units of measure, and negotiated costs are contained in the contract's incorporated schedule of rates. Stevedoring services are ordered utilizing this information. |

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| 48 CFR 252.247-7005 - Indefinite Quantities-No Fixed Charges | Outdated, unnecessary or ineffective. FAR Clause 52.216-19, Order Limitations, advises the contractor of minimum and maximum order quantities for ordering under the contract. The FAR clause can be utilized to reflect appropriate ordering limitations for stevedoring services. There is no need for a separate DFARS clause. |
| 48 CFR 252.247-7006 - Removal of Contractor's | Outdated, unnecessary or ineffective. When necessary, the information in this clause belongs in a work statement, instead of a contract clause. Included in solicitations and contracts for stevedoring services. |
| 48 CFR 252.247-7024 - Notification of Transportation of Supplies by Sea | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into another clause on the same subject. NOTE: The RRTF overturned its previous retain recommendation as a determination was made to incorporate the contents into 48 CFR 252.247-7023. |
| TOTAL RULES FOR REPEAL: 44 | |

| RECOMMENDATION: REPLACE (REVISE) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 281 – Settling Personnel and General Claims and Processing Advance Decision Requests | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR 507 – Manufacture, Sale, Wear, and Quality Control of Heraldic Items | Outdated, unnecessary or ineffective. Revision will simplify and streamline the petition process for manufacturers when they are decertified for quality assurance issues. |
| 32 CFR 536 – Claims Against the United States | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR 842 – Administrative Claims | Outdated, unnecessary or ineffective. The outdated policy will be updated to reflect current practice and all unnecessary parts, which reflect policy internal to the department, will be removed from the CFR. |

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| 32 CFR 750 – General Claims Regulations | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR 776 – Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General | Outdated, unnecessary or ineffective. This rule governs professional conduct of military and civilian lawyers. The public will not know how to file a complaint with the JAG without the rule. Revision will update policy and remove content internal to the department. |
| 32 CFR 855 – Civil Aircraft Use of USAF Airfields | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative cross-service regulations to eliminate any inconsistencies and increase efficiency. Incorporate 32 CFR 766 into this part. |
| 48 CFR 252.223-7003 - Change in Place of Performance – Ammunition and Explosives | Separate provision and clause. Clause should require the contractor to define the place of performance within the clause and to notify the Government before issuing any subcontract that involves ammunition or explosives. |
| TOTAL RULES FOR REVISION: 8 | |

| RECOMMENDATION: MODIFY (AMEND) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 66, Qualification Standards for Enlistment, Appointment, and Induction | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The modification of this regulation will incorporate and consolidate duplicative regulations to eliminate any inconsistencies and increase efficiency. NOTE: The RRTF overturned its previous retain recommendation as a determination was made to incorporate the contents of Army's regulation at 32 CFR 571. |

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| 32 CFR 761 – Naval Defensive Sea Area; Naval Airspace Reservations, Areas Under Navy Administration, and the Trust Territory of the Pacific Islands | Outdated, unnecessary or ineffective. The modification of this regulations will include administrative updates to definitions, commands and commander names, and forms. NOTE: Requires a change to the Executive Order. |
| 48 CFR 252.247-7023 - Transportation of Supplies by Sea | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The modification of this clause will incorporate and consolidate duplicative clauses/provisions to eliminate any inconsistencies and increase efficiency. NOTE: The RRTF overturned its previous retain recommendation as a determination was made to incorporate the contents of 48 CFR 252.247-7024. |
| TOTAL RULES FOR AMENDMENT: 3 | |

| RECOMMENDATION: RETAIN (NO CHANGES) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 157 - Investigative and Adjudicative Guidance for Issuing the Common Access Card | This part outlines the criteria by which a contractor can obtain a CAC card. While OPM works to codify guidance in the CFR, DoD needs to keep its CFR part for appropriate coverage. OPM estimates this may take two plus years for them to publish a final rule. NOTE: The RRTF overturned its previous repeal recommendation based on the length of time it will take OPM to get a CFR part in place. |
| 32 CFR 767 – Guidelines for Permitting Archaeological Investigations and Other Activities Directed at Sunken Military Craft and Terrestrial Military Craft Under the Jurisdiction of the Department of the Navy | Prohibits removal and/or injury of Sunken Military Craft. Permit program for the Navy. Covers US citizens. Civil penalties for violators. Rule reflects current policy. |
| 48 FR 252.201-7000 - Contracting Officer's Representative | Discusses designation and authorities of a COR. There is no similar FAR clause. NOTE: The RRTF overturned its previous repeal recommendation based on litigation concerns. |
| 48 CFR 252.209-7002, Disclosure of Ownership or Control by a Foreign Government | Provision helps ensure that DoD Foreign Ownership, Control, and Influence (FOCI) procedures are used to prevent foreign interests from gaining unauthorized access to classified, export-controlled, or all communications security (classified or unclassified) information that would |

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| | adversely affect the performance of classified contracts and undermine U.S. security and export controls. |
| 48 CFR 252.209-7004 - Subcontracting with Firms that are Owned or Controlled by the Government of a Country that is a State Sponsor of Terrorism | Clause ensures the prohibition at 10 U.S.C. 2327(d)(3) is incorporated as a term of the contract and that sanctions resulting from a designation as a state sponsor of terrorism are implemented at the DoD-contract level. |
| 48 CFR 252.215-7002 - Cost Estimating System Requirements | Not covered in the FAR, unique to the DoD. Clause provides contractors with standardized information on what factors a system must contain to be considered acceptable by DoD, and a compliance mechanism that allows contracting officers to withhold a percentage of payments, under certain conditions, when a contractor's business system contains significant deficiencies. |
| 48 FR 252.217-7028 - Over and Above Work | Clause provides an efficient and standardized approach to executing necessary additional work uncovered during the performance of maintenance, overhaul, modification, and repair of aircraft, engines, ground support equipment, and ships. By allowing over and above work to be handled under the existing contract, as opposed to requiring a new contract award, this clause facilitates efficiencies in the contracting process and during contract performance that save time and money for both the Government and the contractor. |
| 48 CFR 252.219-7003 - Small Business Subcontracting Plan (DoD Contracts) | Statutory. Clause provides clarity for the federal workforce and industry on DoD subcontracting plan requirements, which promotes compliance with federal laws to award federal contracts to small businesses. |
| 48 CFR 252.219-7004 - Small Business Subcontracting Plan (Test Program) | Test program authorized through December 2027. Clause provides contractors with the necessary information to properly comply with section 834 of Pub. L. 101-189. Section 834 is valuable as it lowers administrative costs for the Government and the contractor, while increasing opportunities for small businesses and eliminating the need to negotiate individual subcontracting plans. |

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| 48 CFR 252.219-7009 - Section 8(a) Direct Award | Clause ensures contractor compliance with the agreed upon terms and conditions of the Partnership Agreement. Streamlines process for contractors, DoD and SBA. Efficiency which eliminated need for triple approval previously required for 8(a) contracts. |
| 48 CFR 252.219-7010 - Notification of Competition Limited to Eligible 8(a) Concerns -- Partnership Agreement | Clause ensures contractor compliance with the agreed upon terms and conditions of the Partnership Agreement. Streamlines process for contractors, DoD and SBA. Allows DoD to award contracts set aside for 8(a). |
| 48 CFR 252.219-7011 - Notification to Delay Performance | Clause ensures contractor compliance with the agreed upon terms and conditions of the Partnership Agreement. Streamlines process for contractors, DoD and SBA. Included in solicitations and 8(a) contracts \$150,000 or less. |
| 48 CFR 252.223-7006 - Prohibition on Storage, Treatment, and Disposal of Toxic or Hazardous Materials | Clause implements law that protects the public's safety and DoD real property when contractors have or may have access to DoD installations. |
| 48 CFR 252.225-7003 - Report of Intended Performance Outside the United States and Canada-- Submission with Offer | Solicitation provision included in solicitations with a value exceeding \$13.5 million. The reporting requirement is a means to oversee contracting for supplies and services from foreign entities. DoD is required to report this information annually to Congress as part of the Foreign Entities Report. The law serves as an inducement for contractors to perform or contract for supplies or services within the United States and Canada. |
| 48 CFR 252.225-7000 - Buy American--Balance of Payments Program Certificate | Provision implements the Buy American statute and the Balance of Payments Program. Provides information necessary for awarding contract. |
| 48 CFR 252.225-7001 - Buy American and Balance of Payments Program | Clause helps to ensure contractor and DoD compliance with the Buy American statute, the Balance of Payments Program, DoD's reciprocal defense procurement MOUs, and international agreements, as well as providing a standardized set of definitions for all parties to apply to the rule. |

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| 48 CFR 252.225-7004 - Report of Intended Performance Outside the United States and Canada-- Submission after Award | Clause included in solicitations with a value exceeding \$13.5 million. The reporting requirement is a means to oversee contracting for supplies and services from foreign entities. DoD is required to report this information annually to Congress as part of the Foreign Entities Report. The law serves as an inducement for contractors to perform or contract for supplies or services within the United States and Canada. |
| 48 FR 252.225-7006, Acquisition of the American Flag | Clause helps to ensure DoD complies with 10 U.S.C. 2533a by notifying offerors and contractors of the manufacturing requirement under the contract. |
| 48 CFR 252.225-7007 - Prohibition on Acquisition of United States Munitions List Items from Communist Chinese Military Companies | Clause helps ensure that DoD complies with the International Trafficking in Arms Regulations via contracts. |
| 48 CFR 252.225-7008 - Restriction on Acquisition of Specialty Metals | Clause ensures DoD and contractor compliance with 10 U.S.C. 2533b. Specifically, this clause adds value by providing a common understanding for the contracting officer and the contractors. Additionally, this clause is strongly supported by U.S. steel, titanium, and other specialty metals manufacturers. |
| 48 CFR 252.225-7009 - Restriction on Acquisition of Certain Articles Containing Specialty Metals | Clause ensures DoD and contractor compliance with 10 U.S.C. 2533b. Specifically, this clause adds value by providing a common understanding for the contracting officer and the contractors by defining the restrictions and limitations of the use of metals and how they are assembled and integrated. This clause is widely perceived as saving jobs in the United States and maintaining the industrial base. |
| 48 CFR 252.225-7010 - Commercial Derivative Military Articles-Specialty Metals | Provision ensures DoD and contractor compliance with 10 U.S.C. 2533b. Specifically, this provision adds value by providing a common understanding for the contracting officer and the contractors by defining the restrictions and limitations of the use of metals and how they are assembled and integrated. This clause is strongly supported by U.S. steel, titanium, and other specialty metals manufacturers. |

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| 48 CFR 252.225-7012 - Preference for Certain Domestic Commodities | Clause implements the Berry Amendment of the 2002 NDAA. Necessary to ensure DoD and contractor compliance with 10 U.S.C. 2533a, which supports the U.S. economy and lessens U.S. dependence on foreign sources for acquiring certain items. |
| 48 CFR 252.225-7015 - Restriction on Acquisition of Hand and Measuring Tools | Clause helps to ensure DoD and contractor compliance with 10 U.S.C. 2533a by incorporating the restriction as a term of the contract. |
| 48 CFR 252.225-7016 - Restriction on Acquisition of Ball and Roller Bearings | Clause implements section 8065 of Pub. L. 107-117. Necessary to ensure DoD and contractor compliance as ball and roller bearings are considered an essential part of the U.S. industrial base that has been weakened by competition from Asia. |
| 48 CFR 252.225-7019 - Restriction on Acquisition of Anchor and Mooring Chain | Clause implements Section 8041 Pub. L. 101-511. Prohibits DoD from acquiring welded shipboard anchor and mooring chain that is 4 inches or less in diameter. Necessary to ensure DoD and contractor compliance and to provide contractors with standardized definitions to utilize in applying the restriction. |
| 48 CFR 252.225-7020, Trade Agreements | Provision is necessary to allow for the treatment of qualifying countries in accordance with reciprocal memoranda of understanding and to obtain information from the offeror not otherwise known by the contracting officer and upon which the contracting officer relies on to make award. |
| 48 CFR 252.225-7025 - Restriction on Acquisition of Forgings | Clause is necessary to ensure DoD and contractor compliance with DoD policy, which retains critical forging capability that is required to meet national defense needs in the event of an emergency. |
| 48 CFR 252.225-7028 - Exclusionary Policies and Practices of Foreign Governments | Clause is required by the Arms Export Control Act. It correctly articulates and helps to enforce the normal standards of behavior and conduct that are expected when performing international business transactions. |
| 48 CFR 252.225-7029 – Acquisition of Uniform Components for Afghan Military or Afghan National Police | Implements the Berry Amendment. Clause helps to ensure DoD and contractors are aware of and comply with the restriction on textile components to be supplied to the Afghan National Army or Police. |

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| 48 CFR 252.225-7031 – Secondary Arab Boycott of Israel | Provision implements statute. Preserves US Certification is required by 10 U.S.C. 2410i and helps to preserve U.S. policy to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person. |
| 48 FR 252.225-7032 - Waiver of United Kingdom Levies—Evaluation of Offers | Provision implements reciprocal agreement between the U.S. and the U.K. Provides DoD with a process to request waivers of commercial exploitation levies assessed by the U.K. Government on U.K. firms. Included in contracts over \$1 million. |
| 48 FR 252.225-7033 - Waiver of United Kingdom Levies | Clause reserves the Government's right to recoup the levy via the contract price, and ensures the contractor continues to convey levy information to the Government, as applicable. |
| 48 CFR 252.225-7035 – Buy American – Free Trade Agreements – Balance of Payments Program Certificate | Solicitation provision. Implements the Buy American Act, the Balance of Payments Program, and international trade agreements which, together, provide a preference for domestic material, a qualifying country end product, or a NAFTA country end product. |
| 48 CFR 252.225-7036 – Buy American – Free Trade Agreements – Balance of Payments Program | Clause in contract. Implements the Buy American Act, the Balance of Payments Program, and international trade agreements which, together, provide a preference for domestic material, a qualifying country end product, or a NAFTA country end product. |
| 48 CFR 225.225-7037 – Evaluation of Offers for Air Circuit Breakers | Provision helps to ensure contractors and DoD compliance with 10 U.S.C. 2534. Requires DoD to acquire air circuit breakers for naval vessels from manufacturers that are part of the national technology and industrial base. |
| 48 CFR 252.225-7038 – Restriction on Acquisition of Air Circuit Breakers | Contract clause helps to ensure contractors and DoD compliance with 10 U.S.C. 2534. Requires DoD to acquire air circuit breakers for naval vessels from manufacturers that are part of the national technology and industrial base. |

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| 48 CFR 252.225-7039 – Defense Contractors Performing Private Security Functions Outside the United States | Clause ensures that Geographic combatant commanders are provided with information from private security contractors on security incidents. This information allows commanders to properly account for and track contractor personnel and assets in theater and to respond to security incidents, as deemed necessary. |
| 48 CFR 252.225-7041 - Correspondence in English | Requires contracts with the US Government to be written or translated into English. |
| 48 CFR 252.225-7044 – Balance of Payments Program – Construction Material | Clause implements the Balance of Payments Program. Requires the contractor to use only domestic construction materials in performing the contract, unless an exception applies. |
| 48 CFR 252.225-7045 – Balance of Payments Program – Construction Material Under Trade Agreements | Clause implements the Balance of Payments Program and international trade agreements. Requires the contractor to use only domestic construction materials in performing the contract, unless an exception applies. |
| 48 CFR 252.225-7049 – Prohibition on Acquisition of Commercial Satellite Services from Certain Foreign Entities – Representation | Solicitation provision. Notifies offerors of security restriction. Provision expresses and defines the restrictions of 10 USC 2279. |
| 48 FR 252.228-7003 - Capture and Detention | Clause was added to the Armed Services Procurement Regulations in 1968 to eliminate the need for any special insurance to cover a remote contingency in which the War Hazards Compensation Act may not apply. Allows DoD to reimburse contractors in case of capture and/or detention. |
| 48 CFR 252.235-7010 - Acknowledgment of Support and Disclaimer | Clause provides standard DoD language for contractors to use in publications related to DoD contracts. |
| 48 CFR 252.235-7011 - Final Scientific or Technical Report | Clause provides standardized information to contractors on the submission of a final report to DTIC to facilitate the dissemination of technical and scientific information rapidly, accurately, and reliably to support the DoD. |
| 48 CFR 252.236-7000 - Modification Proposals--Price Breakdown | Clause implements a uniform DoD-wide procedure for contractors that assists the contracting officer in determining if a proposed price for fixed-price construction is fair and reasonable. |

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| 48 CFR 252.236-7001 - Contract Drawings and Specifications | Clause provides uniform DoD-wide policies and procedures to contractors when performing under a contract that utilizes Government-provided contract drawings and specifications. |
| 48 CFR 252.236-7002 - Obstruction of Navigable Waterways | Rooted in the 1899 River and Harbor Act. Clause ensures that a contractor will be responsible for any obstructions made in navigable waterways during performance of the contract, and gives the contracting officer authority to direct the removal of any hazards to navigation that are created by the contractor. |
| 48 CFR 252.236-7003 - Payment for Mobilization and Preparatory Work | Clause allows the contractor to recoup these costs in a more timely and controlled fashion than typically allowed. By permitting timely compensation of these costs, this clause helps facilitate more accurate bids and prevent contractor financing. |
| 48 CFR 252.236-7004 - Payment for Mobilization and Demobilization | Clause allows the contractor to recoup these costs in a more timely and controlled fashion. By permitting timely compensation of these costs, this clause helps facilitate more accurate bids and prevent contractor financing. This is how you pay for this once you get the bid for demobilization. |
| 48 CFR 252.236-7005 - Airfield Safety Precautions | Clause ensures that all contracts for construction performed near an airfield comply with a standard set of procedural safety requirements. FAA notice procedures are not consist and can't be relied on for military purposes. |
| 48 CFR 252.236-7006 - Cost Limitation | Solicitation provision facilitates DoD compliance with applicable fiscal law restrictions on expenditures and provides offerors with uniform information regarding bids that contain items subject to statutory cost limitations. |
| 48 FR 252.236-7007 - Additive or Deductive Items | Solicitation provision diminishes the need to cancel solicitations where sufficient funds may not be available for award of all additive or deductive items. Additionally, this provision communicates a uniform DoD approach to evaluating additive and deductive bid items, which facilitates efficient contracting and avoids confusion |

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| | and litigation in connection with unique solicitation provisions. |
| 48 CFR 252.236-7008 - Contract Prices-Bidding Schedules | Solicitation provision eliminates potential ambiguity regarding payment due for specified work. |
| 48 FR 252.239-7002 – Access | Contract clause. Governs contractor access to and maintenance of contractor-furnished facilities. Clause details are specific to the delivery of telecommunications to Government-controlled sites where contractors are responsible for their own furnished facilities. |
| 48 CFR 252.239-7011 – Special Construction and Equipment Charges | Contract clause that was added in 1970. Clause contains standardized reimbursement terms and conditions for paying contractors completing special construction related to telecommunications services. Includes checks and balances to prevent double payment. |
| 48 CFR 252.239-7012 – Title to Telecommunication Facilities and Equipment | Clause provides a mutual understanding between the Government and the contractor that the title of the equipment or facilities remains with the Contractor, unless otherwise specified in the communications service authorization. This ensures that the contractor, not the Government, is held responsible for repair or replacement in the case of equipment malfunction or failure. |
| 48 CFR 252.239-7016 – Telecommunications Security Equipment, Devices, Techniques, and Services | Clause implements a standardized process and a common understanding related to secure telecommunications. Requires contractors to use secure communication systems. |
| 48 CFR 252.244-7001 - Contractor Purchasing System Administration | Clause implements requirements of section 893 of Pub. L. 111-383 and maintains consistency by providing contractors with a single set of DoD-wide definitions, system requirements, and procedures to follow when required to establish and maintain a purchasing system. |
| 48 CFR 252.246-7003 - Notification of Potential Safety Issues | Clause facilitates timely notification to the Government of any nonconformance or deficiency identified in a part for which the failure, malfunction, or absence of the part could result in death, disability, injury, or illness of personnel or loss or damage to a weapons system. Clause helps to ensure the |

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| | Government can take quick action to prevent harm to personnel or property. |
| 48 CFR 252.246-7004 - Safety of Facilities, Infrastructure, and Equipment for Military Operations | Clause protects the safety and health of DoD military and civilian personnel when occupying facilities, infrastructure, and equipment acquired for use during military operations performed outside the United States, Guam, Puerto Rico, and the Virgin Islands. |
| 48 CFR 252.246-7007 - Contractor Counterfeit Electronic Part Detection and Avoidance System | Clause implements requirements of sections 818 and 833. Contractors required to establish and maintain a counterfeit electronic part detection and avoidance system. Necessary to help protect DoD's supply chain from counterfeit electronic parts. |
| 48 CFR 252.246-7008 - Sources of Electronic Parts | Clause enhances DoD's ability to strengthen the integrity of the process for acquisition of electronic parts and benefits both the Government and contractors. The careful selection of suppliers and the inspection, testing, and authentication of electronic parts that are not traceable to the original manufacturer are consistent with industry risk-based processes and are steps that a prudent contractor should take notwithstanding this clause. |
| 48 FR 252.247-7000 - Hardship Conditions | Clause provides a single, standardized DoD process for contractors to follow when hardship conditions that are unique to stevedoring occur. |
| 48 CFR 252.247-7022 - Representation of Extent of Transportation by Sea | Provision is part of DoD's implementation of the Cargo Preference Act of 1904, which promotes a U.S. maritime transportation system that is accessible and moves goods and people efficiently. |
| TOTAL RULES FOR RETAINMENT: 65 | |

| RECOMMENDATION: DEFER | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR 273 - Defense Material Disposition | Army has an appetite for expansion on what's in the DoD-level CFR part and wants to talk to AT&L about combining parts 621 and 623 into part 273. |

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| 32 CFR 621 - Loan and Sale of Property | Army has an appetite for expansion on what's in the DoD-level CFR part and wants to talk to AT&L about combining parts 621 and 623 into part 273. |
| 32 CFR 623 - Loan of Army Materiel | Army has an appetite for expansion on what's in the DoD-level CFR part and wants to talk to AT&L about combining parts 621 and 623 into part 273. |
| 32 CFR 719 - Regulations Supplementing the Manual for Courts-Martial | <p>Joint Service Committee rejects consolidating this part into an overarching DoD-level rule for the MCM</p> <ul style="list-style-type: none"> -Doesn't want to incorporate CFR into MCM -Feared that consolidation would interfere with their authority -Prerogatives and authorities given by statute |
| TOTAL RULES DEFERRED: 4 | |

The Department of Defense Regulatory Reform Task Force May 24, 2017 Progress Report and Recommendations

Progress Report

On February 24, 2017, President Trump issued Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” to implement regulatory reform initiatives across the federal government and to direct the creation of a Regulatory Reform Task Force within each agency. On April 20, 2017, Deputy Secretary Work signed a memorandum establishing the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) under the Deputy Chief Management Officer (DCMO), who is DoD’s Regulatory Policy Officer, and designating the Director of Oversight and Compliance, in the Office of the DCMO, as the DoD Regulatory Reform Officer (RRO), in accordance with EO 13777. EO 13777 also requires an initial progress report of the agency’s Task Force to the head of the agency detailing the agency’s progress toward the goals of improving implementation of regulatory reform initiatives and identifying regulations for repeal, replacement, or modification. The Task Force’s progress towards these goals is described below.

After the establishment of the DoD Task Force, the Task Force conducted a data call to DoD Components to provide an assessment of the regulations under their purview to determine if such regulations should be repealed, replaced, or modified to alleviate unnecessary regulatory cost and burden. Three subgroups under the Task Force have been established to aid in the review of the provisions of the Defense Federal Acquisition Regulation Supplement (DFARS), the regulations of the Army Corps of Engineers, and the amendments to the Defense Health Agency TRICARE regulation.

The Task Force will review the DoD components’ assessments of all 716 existing, codified DoD regulations, which include review of 350 DFARS provisions. At the outset, the Task Force has scheduled reviews of regulations by topic in order to evaluate regulations for consolidation and to eliminate unnecessary, outdated, or ineffective regulations, which is a priority set forth in EO 13777. The Task Force’s first set of recommendations below reflect the efforts thus far towards this priority goal.

The DoD Task Force convened its first meeting on April 27, 2017, and will continue to meet on a biweekly basis to review all DoD regulations codified in the Code of Federal Regulations for repeal, replacement, or modification by the end of 2018.

Recommendations of the Task Force

To date, the Task Force has reviewed 36 DoD regulations, including 15 Freedom of Information Act (FOIA) regulations and 21 Privacy Act regulations. The Task Force recommends that the:

- Recently revised DoD-level FOIA regulation, which will be codified at 32 CFR part 286 and is intended to be a general, department wide regulation, should be retained, and the 13 existing component FOIA regulations, as well as a second DoD-level

regulation, which has been rendered unnecessary by the revision, should be cancelled. It is estimated that this consolidation to a single FOIA regulation will save the public \$384,080 annually.

- DoD-level Privacy Act regulation, which is codified at 32 CFR part 310, should be revised in similar fashion to the FOIA regulation and incorporate the existing 20 component Privacy Act regulations. Thereafter, the component Privacy Act regulations should be cancelled. It is estimated that this proposed consolidation will save the public \$161,216 annually.

Below is an accounting of the Department's recent proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the Office of Management and Budget Memorandum (OMB) M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" DoD will provide goals and metrics for the performance indicators to OMB in accordance with its guidance in Fiscal Year 2018.

| Regulatory Actions and Cost Estimates | |
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| Task Force Recommended Deregulatory Actions | 34 |
| Task Force Recommended Modify/Amend Actions | 0 |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 1 |
| Task Force Recommended Retain Actions | 1 |
| Deregulatory Actions Issued After 20 January 2017 | 0 |
| Significant Regulatory Actions Issued After 20 January 2017 | 0 |
| Deregulatory Actions Issued that included public input/peer review | 0 |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD |
| Total Incremental Cost of Proposed Deregulatory Actions | Estimated \$545,296.00 |

The Department of Defense Regulatory Reform Task Force September 30, 2017 Progress Report and Recommendations

Background

On February 24, 2017, President Trump issued Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” to implement regulatory reform initiatives across the federal government and to direct the creation of a Regulatory Reform Task Force within each agency. On April 20, 2017, the Deputy Secretary signed a memorandum establishing the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) under the Deputy Chief Management Officer (DCMO), who is DoD’s Regulatory Policy Officer, and designating the Director of Oversight and Compliance, in the Office of the DCMO, as the DoD Regulatory Reform Officer (RRO), in accordance with EO 13777. EO 13777 also requires agency Task Forces to provide periodic progress reports to the head of the agency detailing the agency’s progress toward the goals of improving implementation of regulatory reform initiatives and identifying regulations for repeal, replacement, or modification. This is the DoD Task Force’s second progress report and recommendations covering the period between May 25, 2017 and August 31, 2017.

After the establishment of the DoD Task Force, the Task Force conducted a data call to DoD Components to obtain an assessment of the regulations under their purview to determine if such regulations should be repealed, replaced, or modified to alleviate unnecessary regulatory cost and burden. Three subgroups under the Task Force have been established to aid in the review of the provisions of the Defense Federal Acquisition Regulation Supplement (DFARS), the regulations of the Army Corps of Engineers, and the amendments to the Defense Health Agency TRICARE regulation.

The work of the Task Force will be conducted in three main phases: 1) assessment of all 716 existing, codified DoD regulations on a biweekly basis; 2) upon approval of recommendations, implement regulatory and deregulatory actions in accordance with law, which may require notice and comment to the public and reviews by other agencies and the Office of Management and Budget (OMB); and 3) sustained implementation of reform efforts on new regulatory actions on an on-going basis. The Task Force has started to evaluate DoD regulations on a biweekly basis. At the outset, the Task Force scheduled reviews of regulations by topic in order to evaluate regulations for consolidation and to eliminate unnecessary, outdated, or ineffective regulations, which is a priority set forth in EO 13777. The deregulatory actions and the cost savings that will be produced as a result of DoD’s reform efforts will help reduce unnecessary burdens on the public and ensure the Department of Defense continues to meet its fiduciary responsibilities to the American public.

Progress Report

Since the last progress report, which was dated May 24, 2017, the Task Force has reviewed an additional 84 regulations and, as detailed in TAB B, recommends 54 for repeal, 9 for replacement, 5 for modification, 13 for retention, and 3 for additional review. Several of the

regulations recommended for repeal can be cancelled only after they are consolidated with other related departmental regulations, which will reduce duplicative rulemaking and unnecessary or conflicting regulatory requirements.

To date, the Task Force has reviewed 120 DoD regulations, including 19 Defense Federal Acquisition Regulation Supplement (DFARS) clauses and provisions. A brief accounting of the Task Force's recommendations and projected cost savings is below. In total, the DoD Components have identified \$10,558,796.00 in estimated regulatory cost savings. For fiscal year 2018, the performance goal of the Department is to reduce its regulations by 25% in order to meaningfully reduce burden to the public, which the Department is on target to meet.

In accordance with Section 3(e) of Executive Order 13777, which requires the department to seek input from the public on which regulations should be repealed, replaced, or modified, the Task Force published two such notices in the *Federal Register* relating to the DFARS and the Army Corps of Engineers' regulations. An additional two notices will soon be published in the *Federal Register* for the TRICARE and DoD non-procurement regulations.

Implementation of the Task Force's initial recommendations, which were approved by the Secretary on June 5, 2017, is expected to begin in October/November 2017, with the issuance of the DoD-level FOIA Program regulation and the repeal of the DoD Component FOIA implementing regulations. As additional recommendations are approved, the Task Force will ensure that the relevant DoD Components implement all deregulatory actions in accordance with law. Progress on implementation of these actions will be provided in future reports.

Below is an accounting of the Department's total proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'"

| Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – August 31, 2017) | Total Reviewed | Percent Reviewed |
|---|-------------------------------|-------------------------|
| Task Force Reviewed Regulations | 120 out of 716 | 17% |
| Task Force Recommended Deregulatory/Repeal Actions | 88 out of 120 | 73% |
| Task Force Recommended Modify/Amend Actions | 5 out of 120 | 4% |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 10 out of 120 | 8% |
| Task Force Recommended Retain Actions | 14 out of 120 | 12% |
| Task Force Deferred Actions for Further Data or GC Review | 3 out of 120 | 3% |
| Deregulatory Actions Issued After 20 January 2017 ¹ | 0 | 0 |
| Significant Regulatory Actions Issued After 20 January 2017 | 0 | 0 |
| Deregulatory Actions Issued that included public input/peer review | 0 | 0 |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD | N/A |
| Total Incremental Cost Savings of Proposed Deregulatory Actions | Estimated -\$10,558,796.00 | N/A |

¹ Deregulatory/Repeal actions are contingent on the revision of other regulatory actions, or are in some phase of the normal regulatory process to be issued.

DoD Regulatory Reform Task Force's Second Set of Recommendations

| REPEAL (REMOVE) | |
|---|-------------------------------|
| CFR PART AND TITLE | ESTIMATED COST SAVINGS |
| 32 CFR part 9, Procedures for Trials by Military Commissions of Certain Non-United States Citizens in the War against Terrorism | \$0.00 |
| 32 CFR part 10, Military Commission Instructions | \$0.00 |
| 32 CFR part 11, Crimes and Elements for Trials by Military Commission | \$0.00 |
| 32 CFR part 12, Responsibilities of the Chief Prosecutor, Prosecutors, and Assistant Prosecutors | \$0.00 |
| 32 CFR part 13, Responsibilities of the Chief Defense Counsel, Detailed Defense Counsel, and Civilian Defense Counsel | \$0.00 |
| 32 CFR part 14, Qualification of Civilian Defense Counsel | \$0.00 |
| 32 CFR part 15, Reporting Relationships for Military Commission Personnel | \$0.00 |
| 32 CFR part 16, Sentencing | \$0.00 |
| 32 CFR part 17, Administrative Procedures | \$0.00 |
| 32 CFR part 45, Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series) | \$0.00 |
| 32 CFR part 54, Allotments for Child and Spousal Support | \$0.00 |
| 32 CFR part 65, Post- 9/11 GI Bill | \$0.00 |
| 32 CFR part 80, Provision of Early Intervention Services to Eligible Infants and Toddlers with Disabilities and Their Families, and Special Education Children with Disabilities within the Section 6 School Arrangements | \$0.00 |
| 32 CFR part 81, Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces | \$0.00 |
| 32 CFR part 105, Sexual Assault Prevention and Response (SAPR) Program Procedures (Note: Repeal once 32 CFR part 103 is revised) | \$0.00 |
| 32 CFR part 117, National Industrial Security Program (NISP): Subpart C—Procedures for Government Activities Relating to Foreign Ownership, Control or Influence (FOCI) (Note: Repeal once 32 CFR part 2004 is revised) | \$0.00 |
| 32 CFR part 149, Policy on Technical Surveillance Countermeasures | \$0.00 |
| 32 CFR part 157, Investigative and Adjudicative Guidance for Issuing the Common Access Card (CAC) | \$0.00 |

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|---|--------|
| 32 CFR part 173.2, Competitive Information Certification | \$0.00 |
| 32 CFR part 173.3, Profit Reduction Clause | \$0.00 |
| 32 CFR part 182, Defense Support of Civilian Law Enforcement Agencies | \$0.00 |
| 32 CFR part 183, Defense Support of Special Events | \$0.00 |
| 32 CFR part 185, Defense Support of Civil Authorities | \$0.00 |
| 32 CFR part 205, End Use Certificates (EUCs) | \$0.00 |
| 32 CFR part 206, National Security Education Program (NSEP) Grants to Institutions of Higher Education | \$0.00 |
| 32 CFR part 215, Employment of Military Resources in the Event of Civil Disturbances | \$0.00 |
| 32 CFR Part 231, Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations (Note: Repeal once 32 CFR part 230 is revised) | \$0.00 |
| 32 CFR part 504, Obtaining Information from Financial Institutions (Note: Repeal once 32 CFR part 275 is revised) | \$0.00 |
| 32 CFR part 508, Competition with Civilian Bands | \$0.00 |
| 32 CFR part 575, Admission to the United States Military Academy (Note: Repeal once 32 CFR part 217 is revised) | \$0.00 |
| 32 CFR part 581, Personnel Review Board (Note: Repeal once 32 CFR part 70 is revised) | \$0.00 |
| 32 CFR part 584, Family Support, Child Custody, and Paternity | \$0.00 |
| 32 CFR part 632, Use of Force by Personnel Engaged in Law Enforcement and Security Duties | \$0.00 |
| 32 CFR Part 637, Military Police Investigations | \$0.00 |
| 32 CFR part 723, Board for Correction of Naval Records (Note: Repeal once 32 CFR part 70 is revised) | \$0.00 |
| 32 CFR part 724, Naval Discharge Review Board (Note: Repeal once 32 CFR part 70 is revised) | \$0.00 |
| 32 CFR part 733, Assistance to and Support of Dependents; Paternity Complaints | \$0.00 |
| 32 CFR part 734, Garnishment of Pay of Naval Military and Civilian Personnel for Collection of Child Support and Alimony | \$0.00 |
| 32 CFR part 865, Personnel Review Board (Note: Repeal once 32 CFR part 70 is revised) | \$0.00 |
| 32 CFR part 901, Appointment to the United States Air Force Academy (Note: Repeal once 32 CFR part 217 is revised) | \$0.00 |
| 32 CFR part 903, Air Force Academy Preparatory School (Note: Repeal once 32 CFR part 217 is revised) | \$0.00 |

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|---|---|
| 48 CFR 231.205-18(c)(iii)(C)(4), Independent Research and Development Technical Interchange | \$0.00 |
| 48 CFR 252.201-7000, Contracting Officer's Representative | \$0.00 |
| 48 CFR 252.204-7004, System for Award Management | \$0.00 |
| 48 CFR 252.204-7011, Alternative Line Item Structure | \$0.00 |
| 48 CFR 252.247-7008, Evaluation of Bids | \$0.00 |
| 48 CFR 252.247-7009, Award | \$0.00 |
| 48 CFR 252.247-7010, Scope of Contract | \$0.00 |
| 48 CFR 252.247-7011, Period of Contract | \$0.00 |
| 48 CFR 252.247-7012, Ordering Limitation | \$0.00 |
| 48 CFR 252.247-7013, Contract Areas of Performance | \$0.00 |
| 48 CFR 252.247-7017, Erroneous Shipments | \$0.00 |
| 48 CFR 252.247-7018, Subcontracting | \$0.00 |
| 48 CFR 252.247-7019, Drayage | \$0.00 |
| TOTAL RULES FOR REPEAL: 54 | TOTAL ESTIMATED COST SAVINGS: \$0.00 |

| REPLACE (REVISE) | |
|---|--|
| CFR PART AND TITLE | ESTIMATED COST SAVINGS |
| 32 CFR part 69, School Boards for DoD Domestic Dependent Elementary and Secondary Schools (DDESS) | \$13,500.00 |
| 32 CFR part 70, Discharge Review Board (DRB) Procedures & Standards | \$0.00 |
| 32 CFR part 103, Sexual Assault Prevention and Response (SAPR) Program | \$0.00 |
| 32 CFR part 168a, National Defense Science and Engineering Graduate Fellowships | \$0.00 |
| 32 CFR part 217, Service Academies | \$0.00 |
| 32 CFR part 230, Financial Institutions on DoD Installations | \$0.00 |
| 32 CFR part 242, Admission Policies and Procedures for the School of Medicine, Uniformed Services University of the Health Sciences | \$0.00 |
| 32 CFR part 275, Obtaining Information from Financial Institutions: Right to Financial Privacy Act of 1978 | \$0.00 |
| 32 CFR part 635, Law Enforcement Reporting | \$0.00 |
| TOTAL RULES FOR REVISION: 9 | TOTAL ESTIMATED COST SAVINGS: \$13,500.00 |

| MODIFY (AMEND) | |
|--|--|
| CFR PART AND TITLE | ESTIMATED COST SAVINGS |
| 32 CFR part 61, Family Advocacy Program (FAP) | \$0.00 |
| 32 CFR part 68, Voluntary Education Programs | \$10,000,000.00 |
| 32 CFR part 79, Child Development Programs (CDPs) | \$0.00 |
| 32 CFR part 86, Background Checks on Individuals in DoD Child Care Services Programs | \$0.00 |
| 32 CFR part 553, Army National Military Cemeteries | \$0.00 |
| TOTAL RULES FOR AMENDMENT: 5 | TOTAL ESTIMATED COST SAVINGS: \$10,000,000.00 |

| RETAIN (NO CHANGES) | |
|---|---|
| CFR PART AND TITLE | ESTIMATED COST SAVINGS |
| 32 CFR part 57, Provision of Early Intervention and Special Education Services to Eligible DoD Dependents | \$0.00 |
| 32 CFR part 66, Qualification Standards for Enlistment, Appointment, and Induction | \$0.00 |
| 32 CFR part 89, Interstate Compact on Educational Opportunities for Military Children | \$0.00 |
| 32 CFR part 161, Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals | \$0.00 |
| 32 CFR part 208, National Security Education Program (NSEP) and NSEP Service Agreement | \$0.00 |
| 32 CFR part 216, Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education | \$0.00 |
| 32 CFR part 232, Limitations on Terms of Consumer Credit Extended to Service Members and Dependents (Note: Also retain interpretive rule for this part) | \$0.00 |
| 32 CFR part 238, DoD Assistance to Non-Government, Entertainment-Oriented Media Productions | \$0.00 |
| 32 CFR part 251, National Language Service Corps (NLSC) | \$0.00 |
| 48 CFR 252.247-7014, Demurrage | \$0.00 |
| 48 CFR 252.247-7016, Contractor Liability for Loss and Damage | \$0.00 |
| 48 CFR 252.247-7023, Transportation of Supplies by Sea | \$0.00 |
| 48 CFR 252.247-7024, Notification of Transportation of Supplies by Sea | \$0.00 |
| TOTAL RULES FOR RETAINMENT: 13 | TOTAL ESTIMATED COST SAVINGS: \$0.00 |

| DEFER FOR FURTHER REVIEW | |
|---|--|
| CFR PART AND TITLE | ESTIMATED COST SAVINGS |
| 32 CFR part 542, Schools and Colleges | \$TBD |
| 32 CFR part 562, Reserve Officers' Training Corps | \$TBD |
| 32 CFR part 571, Recruiting and Enlistments | \$TBD |
| TOTAL RULES DEFERRED: 3 | TOTAL ESTIMATED COST SAVINGS: \$TBD |

**The DoD Regulatory Reform Task Force
Progress Report
(September 1, 2017 through November 30, 2017)**

I. Reviews During Reporting Period

During this reporting period, the DoD Regulatory Reform Task Force (Task Force) reviewed 95 regulations and, as detailed in the attached list, recommends 35 for repeal, 9 for replacement, 12 for modification, and 39 for retention. The primary purpose of the Task Force is to evaluate existing codified Department regulations and make recommendations on their repeal, replacement, or modification, consistent with applicable law. The Task Force and the DoD Components continued to evaluate scheduled regulations under the criteria set forth in Executive Order (EO) 13777, "Enforcing the Regulatory Reform Agenda," (February 24, 2017) in this reporting period. Some of the more significant recommendations include:

- Repeal and incorporation of eight Defense Federal Acquisition Regulation Supplement (DFARS) clauses into the Federal Acquisition Regulation (FAR). This incorporation would create single standards on those topics for multiple federal agencies to use and with which industry must comply. As the FAR is the principal set of regulations for the federal acquisition system, incorporation of DFARS clauses would reduce administrative burden on contracting officers and streamline the federal acquisition process.
- Repeal and consolidation of three DoD Component regulations into a single DoD-level regulation governing the Department's procedures on installation access. The consolidation of these regulations will unify the processes and requirements for perimeter access control for the approximately 400 DoD installations and provide clarity to the public on the process and requirements for entry to a DoD installation.
- Modify regulations governing nondiscrimination. There are six Department regulations/implementing guidance that address nondiscrimination associated with different and distinct laws regarding employment, off-basing housing, and federally assisted and conducted programs. These modifications will bring these regulations up to date with new and amended nondiscrimination laws and the requirements of recent Supreme Court decisions, as well as provide clarity, transparency, and streamline the approximately 500 complaints filed and processed annually.

The above highlighted recommendations support the Department's overall regulatory reform initiatives by proposing to eliminate outdated, unnecessary, and ineffective regulations, which will reduce the regulatory burden on the American public and support a more efficient internal regulatory program.

II. Total Reviews and Implementation

Since the beginning of the Task Force's reviews on April 27, 2017, it has reviewed 215 DoD regulations, including 68 DFARS clauses and provisions. In total, DoD Components have identified \$81,498,796.00 in estimated regulatory cost savings for the public. During this reporting period, the Office of Management and Budget (OMB) approved the majority of these cost savings, in the amount of \$70,940,000, which resulted from the repeal of a joint rulemaking of the DoD and the Environmental Protection Agency concerning the Waters of the United States. This repeal was directed by Congress at the beginning of the new Administration and, therefore, was not subject to the review of the Task Force. OMB also determined that the DoD portion of this deregulatory cost savings of \$70,940,000 will be DoD's regulatory "cost cap" for fiscal year 2018.¹ With regard to additional cost savings for other regulations reviewed by the Task Force, DoD Components will continue to work with OMB to analyze any cost savings that may result from proposed deregulatory actions, and provide that information in future reports, as they are approved by OMB.

The Task Force also oversees the implementation of regulatory reform reviews and initiatives. To that end, DoD Components have already begun to implement the Task Force's first and second sets of approved recommendations. For example, the Department published nine repeal actions for outdated Military Commissions regulations on December 8, 2017. Another approved action involving the consolidation of the Department's Freedom of Information Act (FOIA) regulations is being reviewed by the OMB. The DoD Component FOIA repeal regulations are in final agency coordination and should be completed in January 2018. With the repeal and consolidation of the DoD FOIA rules, the Department will reduce unnecessary regulations and provide the public more clarity on its access requirements under FOIA. As additional recommendations are approved, the Task Force will ensure that the relevant DoD Components implement all regulatory and deregulatory actions in accordance with law.

Below is an accounting of the Department's total proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the OMB M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" For fiscal year 2018, the performance goal of the Department is to reduce its regulations by 25% in order to meaningfully reduce burden to the public, which the Department is on target to meet.

¹ Beginning with FY 2018, Section 3(d) of EO 13771 requires the Director of OMB to identify to agencies a total amount of incremental costs (or "regulatory cap") for all EO 13771 deregulatory and EO 13771 regulatory actions finalized during the fiscal year.

| Total Proposed and Completed Regulatory Actions and Costs (April 27, 2017 – November 30, 2017) | Total Reviewed | Percent Reviewed |
|--|-------------------------------|-------------------------|
| Task Force Reviewed Regulations | 215 out of 716 | 30% |
| Task Force Recommended Deregulatory/Repeal Actions | 123 out of 215 | 57% |
| Task Force Recommended Modify/Amend Actions | 17 out of 215 | 7% |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 19 out of 215 | 8% |
| Task Force Recommended Retain Actions | 53 out of 215 | 24% |
| Task Force Deferred Actions for Further Data or GC Review | 3 out of 215 | 1% |
| Administrative Repeal Actions Issued After 20 January 2017 (not counted as deregulatory actions for purposes of EO 13771) | 9 out of 123 | 7% |
| Deregulatory Actions Issued After 20 January 2017 ² | 0 | 0 |
| Significant Regulatory Actions Issued After 20 January 2017 | 0 | 0 |
| Deregulatory Actions Issued that included public input/peer review | 0 | 0 |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD | N/A |
| Total Incremental Cost of Proposed Deregulatory Actions | Estimated -\$81,498,796.00 | N/A |

III. Public Notice and Transparency

In accordance with Section 3(e) of Executive Order 13777, which requires the Department to seek input from the public on which regulations should be repealed, replaced, or modified, the Task Force published four notices in the *Federal Register*. One notice was published for the primary Task Force and for each of the subgroups. To date, the primary Task Force has received 15 comments, the DFARS subgroup received 192 comments, the Army Corps of Engineers subgroup received 1,371 comments, and the TRICARE subgroup has received 2 comments. These comments will be taken under consideration as the DoD Components implement the approved recommendations of the Task Force.

² Many deregulatory/repeal actions recommended are contingent on the revision of other regulatory actions, and all regulatory actions must be submitted to OMB for review and approval, in accordance with law.

In addition, to provide information regarding the Department's Task Force to the public, the Department has created a public facing website at <http://open.defense.gov/Regulatory-Program/RRTF2.aspx>. The website provides background information about the DoD Task Force and the Department's regulatory program, includes a Frequently Asked Questions section, as well as provides approved reports for the public to review.

IV. Conclusion

The Task Force will continue to review the scheduled DoD regulations in accordance with EO 13777 to support the Department's regulatory reform initiatives to reduce unnecessary regulatory burden on the public. The next Task Force report will include the reviews conducted by the Task Force during the months of December 2017 through February 2018.

**DoD Regulatory Reform Task Force's Third Set of Recommendations
(September 1, 2017 through November 30, 2017)**

| RECOMMENDATION: REPEAL (REMOVE) | |
|--|--|
| CFR PART AND TITLE | RATIONALE |
| 32 CFR 93, Acceptance of Service of Process; Release of Official Information in Litigation; and Testimony by NSA Personnel as Witnesses | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR Part 263, Traffic and Vehicle Control on Certain Defense Mapping Agency Sites | Outdated, unnecessary or ineffective. This regulation is unnecessary because the Defense Mapping Agency no longer exists and its successor (the National Geospatial-Intelligence Agency) was moved to a location not controlled by this regulation. |
| 32 CFR 267, Production of Official Records or Disclosure of Official Information in Proceedings Before Federal, State or Local Governmental Entities of Competent Jurisdiction | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 516, Release of Official Information and Appearance of Witnesses in Litigation | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 Part 634, Motor Vehicle Traffic Supervision | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 Part 636, Motor Vehicle Traffic Supervision (Specific Installations) | Outdated, unnecessary or ineffective. This regulation is unnecessary because the public facing aspects of it are duplicated in a related regulation, which is still in effect. |
| 32 CFR 720, Delivery of Personnel; Service of Process and Subpoenas; Production of Official Records | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 725, Release of Official Information for Litigation Purposes and Testimony by Department of the Navy Personnel | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 763, Rules Governing Public Access | Outdated, unnecessary or ineffective. This regulation is unnecessary because the federal government has transferred the regulated land to the State of Hawaii. |
| 32 CFR 770, Rules Limiting Public Access to Particular Installations | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |

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| 32 CFR 809a Subpart A, Installation Entry Policy and Subpart B (Part 809a.6-9), Civil Disturbance Intervention and Disaster Assistance | Outdated, unnecessary or ineffective. This regulation is unnecessary because Subpart A can be consolidated into a departmental level regulation on the same subject and Subpart B does not require rulemaking. |
| 32 CFR 884, Delivery of Personnel to United States Civilian Authorities for Trial | Outdated, unnecessary or ineffective. This regulation is unnecessary because it mostly sets forth internal Air Force procedures and command responsibilities. However, a notice (not a regulation) will be published in the Federal Register to provide the public with the necessary contact information for making these requests to the Air Force. |
| 32 CFR 1288, Registration of Privately Owned Motor Vehicles | Outdated, unnecessary or ineffective. This regulation is unnecessary because DLA no longer requires the registration, inspection, and marking of privately owned vehicles on DLA property. |
| 32 CFR 1290, Preparing And Processing Minor Offenses And Violation Notices Referred To U.S. District Courts | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 32 CFR 1292, Security of DLA Activities and Resources | Outdated, unnecessary or ineffective. This regulation is unnecessary because it can be consolidated into a departmental level regulation on the same subject. |
| 33 CFR 220, Design Criteria for Dam and Lake Projects | Outdated, unnecessary or ineffective. This regulation is unnecessary because it applies only to USACE design criteria on USACE projects, and it is also covered by internal USACE policy. |
| 33 CFR 223, Mississippi River Water Control Management Board | Outdated, unnecessary or ineffective. This regulation is unnecessary because it applies to and is already covered by internal USACE policy. |
| 33 CFR 273, Aquatic Plant Control | Outdated, unnecessary or ineffective. This regulation is unnecessary because it applies to and is already covered by internal USACE policy. |
| 33 CFR 274, Pest Control Program for Civil Works Projects | Outdated, unnecessary or ineffective. This regulation is unnecessary because it applies to and is already covered by internal USACE policy. |
| 33 CFR 277, Water Resources Policies and Authorities: Navigation Policy: Cost Apportionment of Bridge Alterations | Outdated, unnecessary or ineffective. This regulation is unnecessary because the public facing aspects of it are duplicated in a related regulation, which is still in effect. |

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| 48 CFR 252.209-7003, Reserve Officer Training Corps and Military Recruiting on Campus—Representation | Outdated, unnecessary or ineffective. This DFARS provision is outdated because Congress has, over time, subjected other agencies to this policy. Accordingly, a related FAR provision should be implemented to create a single standard for all impacted agencies. |
| 48 CFR 252.209-7005, Reserve Officer Training Corps and Military Recruiting on Campus | Outdated, unnecessary or ineffective. This DFARS provision is outdated because Congress has, over time, subjected other agencies to this policy. Accordingly, a related FAR provision should be implemented to create a single standard for all impacted agencies. |
| 48 CFR 252.215-7000, Pricing Adjustments | Outdated, unnecessary or ineffective. This regulation is unnecessary because related FAR clauses are sufficient. |
| 48 CFR 252.215-7005, Evaluation Factor for Employing or Subcontracting with Members of the Selected Reserve | Outdated, unnecessary or ineffective. This regulation is unnecessary because it is rarely used and has no impact on the ability of the contracting officer to include the use of such personnel as an evaluation factor in solicitations. |
| 48 CFR 252.215-7006, Use of Employees or Individual Subcontractors Who Are Members of the Selected Reserve | Outdated, unnecessary or ineffective. This regulation is unnecessary because it is rarely used and will likely never be enforced by the department. |
| 48 CFR 252.216-7006, Ordering | Outdated, unnecessary or ineffective. This regulation is unnecessary because FAR Clause 52.216-18 advises contractors of almost all of the information in this DFARS clause, except for when an order is considered “issued” if sent to the contractor via fax or electronic communication. The FAR clause should be modified to incorporate the additional language from the DFARS clause; thus, furthering the goals of the E-Government Act of 2002. |
| 48 CFR 252.216-7010, Requirements | Outdated, unnecessary or ineffective. This regulation is unnecessary because FAR Clause 52.216-21 contains all of the information necessary for these types of contracts. |
| 48 CFR 252.222-7001, Right of First Refusal of Employment—Closure of Military Installations | Outdated, unnecessary or ineffective. This regulation is unnecessary because this DFARS Clause is duplicative of FAR Clause 52.207-3. |

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| 48 CFR 252.222-7007, Representation Regarding Combating Trafficking in Persons | Outdated, unnecessary or ineffective. This regulation is unnecessary because FAR Clause 52.222-50, which is included in all DoD solicitations, is sufficient. |
| 48 CFR 252.229-7014, Taxes - Foreign Contracts in Afghanistan | Outdated, unnecessary or ineffective. This regulation is outdated because it now applies to other agencies. Accordingly, a related FAR provision should be implemented to create a single governmental standard. |
| 48 CFR 252.229-7015, Taxes - Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement) | Outdated, unnecessary or ineffective. This regulation is outdated because it now applies to other agencies. Accordingly, a related FAR provision should be implemented to create a single governmental standard. |
| 48 CFR 252.231-7000, Supplemental Cost Principles | Outdated, unnecessary or ineffective. This regulation is unnecessary because this notification to contractors is no longer needed. |
| 48 CFR 252.237-7023, Continuation of Essential Contractor Services | Outdated, unnecessary or ineffective. This regulation is outdated because it now applies to other agencies. Accordingly, a related FAR provision should be implemented to create a single governmental standard. |
| 48 CFR 252.237-7024, Notice of Continuation of Essential Contractor Services | Outdated, unnecessary or ineffective. This regulation is outdated because it now applies to other agencies. Accordingly, a related FAR provision should be implemented to create a single governmental standard. |
| 48 CFR 252.251-7001, Use of Interagency Fleet Management System (IFMS) Vehicles and Related Services | Outdated, unnecessary or ineffective. This regulation is outdated because it now applies to other agencies. Accordingly, a related FAR provision should be implemented to create a single governmental standard. |
| TOTAL RULES FOR REPEAL: 35 | |

| RECOMMENDATION: REPLACE (REVISE) | |
|--|--|
| CFR PART AND TITLE | RATIONALE |
| 32 CFR Part 56, Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted By the Department of Defense | Outdated, unnecessary or ineffective. This regulation is outdated and should be revised to update and clarify legal requirements. |

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| 32 CFR 97, Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative component-level regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR Part 191, The DoD Civilian Equal Employment Opportunity (EEO) Program | Outdated, unnecessary or ineffective. This regulation is outdated and should be revised to update and clarify legal requirements and complaint processes. |
| 32 CFR 192, Equal Opportunity in Off-Base Housing | Outdated, unnecessary or ineffective. This regulation is outdated and should be revised to update and clarify legal requirements and complaint processes. |
| 32 CFR Part 195- Nondiscrimination in Federally Assisted Programs of the Department of Defense – Effectuation of Title VI of the Civil Rights Act of 1964 | Outdated, unnecessary or ineffective. This regulation is outdated and should be revised to update and clarify legal requirements and complaint processes. |
| 32 CFR Part 196 - Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance | Outdated, unnecessary or ineffective. This regulation is outdated and should be revised to update and clarify legal requirements and complaint processes. |
| 32 CFR Part 210, Enforcement of State Traffic Laws on DoD Installations in the United States | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative component-level regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR 257, Acceptance of service of Process | Creates a serious inconsistency or otherwise interferes with regulatory reform initiatives and policies. The revision of this regulation will incorporate and consolidate duplicative component-level regulations to eliminate any inconsistencies and increase efficiency. |
| 32 CFR 552, Regulations Affecting Military Reservations (Subparts C, F-P) | Outdated, unnecessary or ineffective. Some subparts of the regulation are outdated while other subparts are unnecessary. The outdated policy will be updated to reflect current practice and all unnecessary parts, which reflect policy internal to the department, will be removed from the CFR. |
| TOTAL RULES FOR REVISION: 9 | |

| RECOMMENDATION: MODIFY (AMEND) | |
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| CFR PART AND TITLE | RATIONALE |
| 32 CFR Part 199, Civilian Health and Medical Program of the Uniformed Services (Now TRICARE) ¹ | <p>Outdated, unnecessary or ineffective. This part, which contains a number of subsections and sets forth TRICARE guidelines and policies, is currently outdated in certain respects and is continuously updated to include new statutory requirements and to improve patient service.</p> <p>Retain 199.1 - General Provisions This section furthers the statute and holds a valuable demonstration authority which allows DoD to waive or alter requirements to test future ways of providing the benefit. No changes to it are currently required to comply with the regulatory reform effort.</p> <p>Modify 199.3 – Eligibility This section requires modification as DoD guidance now directs that determinations of eligibility are made and recorded in the Defense Enrollment Eligibility Reporting System.</p> <p>Modify 199.4 – Basic Program Benefits This section requires modification to ensure it is up to date with NDAA FY17 to include updates to medical nutritional therapy, preventive care, telehealth, and treatment of obesity.</p> <p>Modify 199.6 – TRIACRE Authorized Providers This section requires modification to stay up-to-date with current medical practice. For example, DHA is reviewing the potential use of certain paraprofessionals, such as Physical Therapy Assistants and Occupational Therapy Assistants, as TRICARE-authorized providers.</p> |

¹ For the entire TRICARE regulation, which is one part in the CFR but contains a number of sections, the Task Force will account for 10 “regulatory reviews,” one for the entire part and nine for proposed amendments that were already in process when the Task Force started its work in April 2017. The Task Force still has more TRICARE provisions to review and will be reporting additional TRICARE recommendations in subsequent reports.

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| | <p>Modify 199.8 – Double Coverage This section requires modification to delete paragraph c(6) which is a duplicate of paragraph c(5).</p> <p>Modify 199.10 – Appeal and Hearing Procedures This section requires modification to enhance the efficiency of the DHA appeals process, increase the timeliness of appeal decision, and eliminate use of the appeals process as an alternate process for addressing public recommendations for changes to TRICARE regulation and policy.</p> |
| 32 CFR Part 199.5, TRICARE Extended Care Health Option (ECHO) | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to expand beneficiary access to ECHO respite care services. |
| 32 CFR Part 199.14, Provider Reimbursement Methods, Long Term Care Hospitals (LTCHs) and Inpatient Rehabilitation Facilities (IRFs) | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to adopt methods similar to Medicare's reimbursement for both LTCHs and IRFs. |
| 32 CFR Part 199.17, The TRICARE Program | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to make a number changes to TRICARE plans and to adopt a new health plan enrollment system. |
| 32 CFR 525, Entry Authorization Regulation for Kwajalein Missile Range | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to reflect current law and international agreements. |
| 32 CFR 651, Environmental Analysis Of Army Actions | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to update certain "categorical exclusions," which can eliminate the need for extensive environmental analysis. |
| 32 CFR Part 775, Procedures for Implementing the National Environmental Policy Act (NEPA) | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to update certain "categorical exclusions," which can eliminate the need for extensive environmental analysis. |
| 33 CFR 207, Navigation Regulations | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to provide accurate navigation information. |
| 36 CFR 330, Regulation of Law Enforcement Services Contracts at Civil Works Water Resource Projects Administered by the Chief of Engineers | Outdated, unnecessary or ineffective. This part is outdated and needs to be modified to reflect current legal standards. |

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| 48 CFR 252.217-7001, Surge Option | Outdated, unnecessary or ineffective. This contract clause is outdated and needs to be modified to reflect current practice. |
| 48 CFR 252.247-7020, Additional Services | Outdated, unnecessary or ineffective. This contract clause is outdated and needs to be updated to further define the scope of additional moving services that the department will pay for. |
| 48 CFR 252.247-7027, Riding Gang Member Requirements | Outdated, unnecessary or ineffective. This contract clause is outdated and needs to be modified to reflect that the government agency conducting the background/security check for any riding gang member is the authority responsible for deeming an individual unsuitable for service, not the Military Sealift Command. |
| TOTAL RULES FOR AMENDMENT: 12 | |

| RECOMMENDATION: RETAIN (NO CHANGES) | |
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| CFR PART AND TITLE | RATIONALE |
| USD(P&R) Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons | This guidance addresses non-discrimination due to limited English proficiency. It is required by an Executive Order and no changes to it are currently required to comply with the regulatory reform effort. |
| Missile Defense Agency National Environmental Policy Act (NEPA) Significant Guidance Document | This guidance serves as MDA's adoption of the Council on Environmental Quality regulations that implement NEPA. It is required by law and no changes to it are currently required to comply with the regulatory reform effort. |
| Defense Threat Reduction Agency National Environmental Policy Act (NEPA) Significant Guidance Document | This guidance serves as DTRA's adoption of the Council on Environmental Quality regulations that implement NEPA. It is required by law and no changes to it are currently required to comply with the regulatory reform effort. |
| 32 CFR 218, Guidance for the Determination and Reporting of Nuclear Radiation Dose for DoD Participants in the Atmospheric Nuclear Test Program (1945-1962) | This part sets forth standards for the determination of a service connection to certain disabilities for veterans who were exposed to dioxin during the Vietnam War. It is required by law and no changes to it are currently required to comply with the regulatory reform effort. |

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| 32 CFR 234, Conduct on the Pentagon Reservation | This part provides SECDEF regulations governing the operation, maintenance, and management of the Pentagon Reservation. No changes to it are currently required to comply with the regulatory reform effort. |
| 32 CFR 655, Radiation Sources on Army Land | This regulation ensures garrison Commanders are aware of radioactive sources brought onto Army land. It is necessary and no changes to it are currently required to comply with the regulatory reform effort. |
| 32 CFR Part 989, ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP) | This guidance serves as DTRA's adoption of the Council on Environmental Quality regulations that implement NEPA. It is required by law and no changes to it are currently required to comply with the regulatory reform effort. |
| 33 CFR 337, Practice and Procedure | This regulation generally ensures the public is aware of USACE decisions and actions that impact the environment. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.203-7000, Requirements Relating to Compensation of Former DoD Officials | This contract clause protects the Government and the contractor from actual or potential personal conflicts of interest, while promoting an organizational culture that encourages ethical conduct and compliance with the law. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.203-7001, Prohibition on Persons Convicted of Fraud or Other Defense Contract-Related Felonies | This contract clause helps to mitigate the risk to the Government and the contractor of improper business practices by contractor employees or potential employees. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.203-7003, Agency Office of the Inspector General | This contract clause is necessary to provide contractors with DoD-specific information related to the requirements of FAR clause 52.203-13 and 41 U.S.C. 3509. No changes to it are currently required to comply with the regulatory reform effort. |

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| 48 CFR 252.203-7005, Representation Relating to Compensation of Former DoD Officials | This solicitation provision protects the Government and the contractor from actual or potential personal conflicts of interest, while promoting an organizational culture that encourages ethical conduct and compliance with the law. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.209-7006, Limitation on Contractors Acting as Lead System Integrators | This solicitation provision protects the Government's financial and technological interests during major system acquisitions and ensures that DoD adheres to the U.S.C. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.209-7007, Prohibited Financial Interests for Lead System Integrators | This contract clause protects the Government's financial and technological interests during major system acquisitions and ensures that DoD adheres to the U.S.C. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.209-7008, Notice of Prohibition Relating to Organizational Conflict of Interest – Major Defense Acquisition Program | This solicitation provision protects the Government's financial and technical interests when acquiring systems and technical assistance under a major defense acquisition programs (MDAP) or pre-MDAP. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.209-7009, Organizational Conflict of Interest – Major Defense Acquisition Program | This contract clause protects the Government's financial and technical interests when acquiring systems and technical assistance under a major defense acquisition programs (MDAP) or pre-MDAP. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.212-7002, Pilot Program for Acquisition of Military-Purpose Non-developmental Items | The offeror's representation provides the Government with information that it would be unable to attain elsewhere and upon which the Government relies on in awarding a subsequent contract. No changes to it are currently required to comply with the regulatory reform effort. |

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| 48 CFR 252.215-7003, Requirement for Submission of Data Other than Certified Cost or Pricing Data--Canadian Commercial Corporation | This contract clause is one of the few means by which the DoD can obtain cost and pricing information from Canadian contractors under Canadian Commercial Corporation (CCC) contracts. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.215-7004, Requirement for Submission of Data Other than Certified Cost or Pricing Data--Modifications--Canadian Commercial Corporation | This contract clause is one of the few means by which the DoD can obtain cost and pricing information from Canadian contractors under Canadian Commercial Corporation (CCC) contracts. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.215-7009, Proposal Adequacy Checklist | This checklist addresses inconsistent interpretation of FAR cost/price requirements and is intended to increase uniformity across DoD contractors. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.216-7004, Award Fee Reduction or Denial for Jeopardizing the Health or Safety of Government Personnel | This contract clause, which is required by statute, is intended to protect the health and safety of Government personnel. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.216-7009, Allowability of Legal Costs Incurred in Connection with a Whistleblowing Proceeding | In general, this contract clause prohibits the reimbursement of legal costs for whistleblower proceedings. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.217-7000, Exercise of Option to Fulfill Foreign Military Sales Commitments – Basic/Alternate | This contract clause addresses special cost and profit considerations on contracts for foreign military sales. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.225-7023, Preference for Products or Services from Afghanistan | This solicitation provision is intended to supply the department with information on evaluating certain offers and awarding a subsequent contract. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.225-7024, Requirements for Products or Services from Afghanistan | This contract clause is intended to facilitate the creation of stable jobs and employment in these Iraq and Afghanistan. No changes to it are currently required to comply with the regulatory reform effort. |

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| 48 CFR 252.225-7026, Acquisitions Restricted to Products or Services from Afghanistan | This contract clause is intended to facilitate the creation of stable jobs and employment in these Iraq and Afghanistan. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.225-7046, Exports by Approved Community Members in Response to the Solicitation | This contract clause ensures contractor compliance with applicable Defense Trade Cooperation treaties and regulations, which streamline export controls. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.225-7047, Exports by Approved Community Members in Performance of the Contract | This contract clause ensures contractor compliance with applicable Defense Trade Cooperation treaties and regulations, which streamline export controls. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.225-7048, Export-Controlled Items | This contract clause is intended to prevent export control violations, and it support the substantial international portion of the U.S. defense industry. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.235-7000, Indemnification Under 10 U.S.C. 2354 – Fixed Price | This contract clause provides for efficient and standardized terms and processes for indemnification across DoD. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.235-7001, Indemnification Under 10 U.S.C. 2354 – Cost Reimbursement | This contract clause provides for efficient and standardized terms and processes for indemnification across DoD. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.235-7002, Animal Welfare | This contract clause ensures contractors are aware of and comply with certain laws and regulations regarding the proper treatment of animals. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.235-7004, Protection of Human Subjects | This contract clause addresses the ethical treatment of persons while conducting research. No changes to it are currently required to comply with the regulatory reform effort. |

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| 48 CFR 252.237-7010, Prohibition on Interrogation of Detainees by Contractor Personnel | This contract clause provides that interrogations are to be conducted by appropriately qualified Government personnel. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.237-7019, Training for Contractor Personnel Interacting with Detainees | This contract clause is intended to ensure the humane treatment of detainees, as well as the safety and security of both detainees and Government personnel. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.237-7022, Services at Installations Being Closed | This contract clause supports on-going Base Realignment and Closure actions. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.239-7013, Obligation of the Government | This contract clause addresses the Government's liability for payment in telecommunication contracts, which can span decades. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.247-7026, Evaluation Preference for Use of Domestic Shipyards-Applicable to the Carriage of Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade | The contract objective of this provision is to maintain a strong national ship repair industrial base by providing an evaluation preference to those offerors who utilize U.S. shipyards for their overhaul, repair and maintenance work. No changes to it are currently required to comply with the regulatory reform effort. |
| 48 CFR 252.247-7028, Application for U.S. Government Shipping Documentation/Instructions | This contract clause is used to provide clear direction to contractors on the acceptable methods for obtaining instructions and bills of lading. No changes to it are currently required to comply with the regulatory reform effort. |
| TOTAL RULES FOR RETAINMENT: 39 | |

The Department of Defense Regulatory Reform Task Force May 24, 2017 Progress Report and Recommendations

Progress Report

On February 24, 2017, President Trump issued Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” to implement regulatory reform initiatives across the federal government and to direct the creation of a Regulatory Reform Task Force within each agency. On April 20, 2017, Deputy Secretary Work signed a memorandum establishing the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) under the Deputy Chief Management Officer (DCMO), who is DoD’s Regulatory Policy Officer, and designating the Director of Oversight and Compliance, in the Office of the DCMO, as the DoD Regulatory Reform Officer (RRO), in accordance with EO 13777. EO 13777 also requires an initial progress report of the agency’s Task Force to the head of the agency detailing the agency’s progress toward the goals of improving implementation of regulatory reform initiatives and identifying regulations for repeal, replacement, or modification. The Task Force’s progress towards these goals is described below.

After the establishment of the DoD Task Force, the Task Force conducted a data call to DoD Components to provide an assessment of the regulations under their purview to determine if such regulations should be repealed, replaced, or modified to alleviate unnecessary regulatory cost and burden. Three subgroups under the Task Force have been established to aid in the review of the provisions of the Defense Federal Acquisition Regulation Supplement (DFARS), the regulations of the Army Corps of Engineers, and the amendments to the Defense Health Agency TRICARE regulation.

The Task Force will review the DoD components’ assessments of all 716 existing, codified DoD regulations, which include review of 350 DFARS provisions. At the outset, the Task Force has scheduled reviews of regulations by topic in order to evaluate regulations for consolidation and to eliminate unnecessary, outdated, or ineffective regulations, which is a priority set forth in EO 13777. The Task Force’s first set of recommendations below reflect the efforts thus far towards this priority goal.

The DoD Task Force convened its first meeting on April 27, 2017, and will continue to meet on a biweekly basis to review all DoD regulations codified in the Code of Federal Regulations for repeal, replacement, or modification by the end of 2018.

Recommendations of the Task Force

To date, the Task Force has reviewed 36 DoD regulations, including 15 Freedom of Information Act (FOIA) regulations and 21 Privacy Act regulations. The Task Force recommends that the:

- Recently revised DoD-level FOIA regulation, which will be codified at 32 CFR part 286 and is intended to be a general, department wide regulation, should be retained, and the 13 existing component FOIA regulations, as well as a second DoD-level

regulation, which has been rendered unnecessary by the revision, should be cancelled. It is estimated that this consolidation to a single FOIA regulation will save the public \$384,080 annually.

- DoD-level Privacy Act regulation, which is codified at 32 CFR part 310, should be revised in similar fashion to the FOIA regulation and incorporate the existing 20 component Privacy Act regulations. Thereafter, the component Privacy Act regulations should be cancelled. It is estimated that this proposed consolidation will save the public \$161,216 annually.

Below is an accounting of the Department's recent proposed and completed regulatory actions and related cost estimates based on "performance indicators" set forth in the Office of Management and Budget Memorandum (OMB) M-17-23, "Guidance on Regulatory Reform Accountability under Executive Order 13777, titled 'Enforcing the Regulatory Reform Agenda.'" DoD will provide goals and metrics for the performance indicators to OMB in accordance with its guidance in Fiscal Year 2018.

| Regulatory Actions and Cost Estimates | |
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| Task Force Recommended Deregulatory Actions | 34 |
| Task Force Recommended Modify/Amend Actions | 0 |
| Task Force Recommended Replace (Consolidate)/Revise Actions | 1 |
| Task Force Recommended Retain Actions | 1 |
| Deregulatory Actions Issued After 20 January 2017 | 0 |
| Significant Regulatory Actions Issued After 20 January 2017 | 0 |
| Deregulatory Actions Issued that included public input/peer review | 0 |
| Total Incremental Cost of New Significant Regulatory Actions | Estimated \$ TBD |
| Total Incremental Cost of Proposed Deregulatory Actions | Estimated \$545,296.00 |