



## Open DFARS Cases as of 9/25/2020



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## Open DFARS Cases as of September 25, 2020

Case Number	Part Number	Title	Synopsis	Status
2020-D033		Commercial Item Determinations	Further implements section 848 of the NDAA for FY 2018 (Pub. : 114-328). Section 848 modifies 10 U.S.C. 2380(b) to provide that a contract for an item using FAR part 12 procedures shall serve as a commercial item determination, with some exceptions.	09/22/2020 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2020-D032		United States-Mexico-Canada Agreement	Implements the United States-Mexico-Canada Agreement, which replaces the North American Free Trade Agreement (NAFTA). The Government Procurement Agreement at Chapter 13 of the USMCA applies only to Mexico. Therefore, Canada is no longer a Free Trade Agreement country, but is still a designated country under the World Trade Organization Government Procurement Agreement (WTO GPA).	06/24/2020 DARC Director tasked Law Team -IA to draft proposed DFARS rule. Report due 08/05/2020. Report due date extended to 10/21/2020.
2020-D031	223	Authorities for Minimizing the Use of Materials Containing Hexavalent Chromium	Updates DFARS 223.73 Minimizing the use of materials containing hexavalent chromium by removing two revoked Executive Orders (13514 and 13423) and revising 223.7301 Policy and 223.7302 Authorities to reflect the most recent DoD guidance.	09/21/2020 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2020-D030		(S) Improved Energy Security for Main Operating Bases in Europe	Implements section Sec. 2821(b)(1), and (b)(2), NDAA 2020 which requires that each contract for the acquisition of furnished energy for a covered military installation in Europe does not use any energy sourced from inside the Russian Federation as a means of generating the furnished energy for the covered military installation.	09/24/2020 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2020-D029		Consolidation of DoD Government Property Clauses	Amends the DFARS to consolidate the information in DFARS clauses 252.245-7001, Tagging, Labeling, and Marking of Government-Furnished Property; 252.245-7002, Reporting Loss of Government Property; 252.247-7003, Contractor Property Management System Administration; and 252.245-7004, Reporting, Reutilization, and Disposal, into a single comprehensive clause.	03/25/2020 DARC Director tasked Acquisition Environmental & Contract Management Cmte. to draft proposed DFARS rule. Report due 07/29/2020. Report due date extended to 10/21/2020.

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Case Number	Part Number	Title	Synopsis	Status
2020-D028	235, 252	Public Access to Results of Federally Funded Research	Implements policy requirements based on GAO-20-81, "FEDERAL RESEARCH. Additional Actions Needed to Improve Public Access to Research Results," November 2019, DoD recommendations 1 and 2. Requires: a. Revision to DFARS 252.235-7010 Acknowledgment of Support and Disclaimer clause to add access to scientific articles or papers published in scientific journals b. New clause to add requirement for submission of a data management plan for research and development contracts.	05/13/2020 DARC Director tasked Construction, Services, and Research & Development Cmte. to draft proposed DFARS rule. Report due 07/29/2020. Report due date extended to 10/07/2020.
2020-D027	228.370, 242.302, 252.228-7001	Ground and Flight Risk	Update the DoD Ground and Flight Risk policy.	09/16/2020 DARC agreed to draft proposed DFARS rule. Case manager processing.
2020-D026		Modification of Notification of Intent to Transport Supplies By Sea	Amends DFARS clause 252.247-7023, Transportation of Supplies By Sea, to include and revise the requirement in DFARS provision 252.247-7022, Representation of Extent of Transportation By Sea, to notify the Government of the intent to transport supplies by sea, as applicable.	01/24/2020 DARC Director tasked Acquisition Strategy (DFARS) Team to draft proposed DFARS rule. Report due 03/18/2020. Report due date extended to 09/30/2020.
2020-D025	212.301, 229-402-70(l), 229.402-70(k), 252.229-7014, 252.229-7015	(R) Repeal of DFARS Clauses related to Taxes Applied to Foreign Contracts in Afghanistan	Repeals DFARS clause 252.229-7014, Taxes - Foreign Contracts in Afghanistan, and clause 252.229-7015, Taxes - Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status of Forces Agreement), pursuant to action taken by the DoD Regulatory Reform Task Force.	05/18/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2020-D023		(S) Limitation on Communications Systems Lacking Certain Resiliency Features	Implements section 168 of the NDAA for FY 2020. Section 168 limits availability of funds for the procurement of a current or future DoD communications program of record, unless certain conditions are met.	03/11/2020 DARC Director tasked DFARS Technology Team to draft proposed DFARS rule. Report due 4/22/2020. Report due date extended to 10/07/2020.
2020-D022		(S) Management of the Procurement Technical Assistance Agreement Program	Implements section 852 of the NDAA for FY 2020. Section 852 transfers responsibility for implementation of the Procurement Technical Assistance Cooperative (PTAC) Program and has an effective date of October 1, 2021. This rule amends DFARS provision 252.219-7000 and DFARS clause 252.205-7000 to update contact information for the Program, as a result of section 825.	02/12/2020 Case on hold, pending new web address from OSD to update DFARS provision 252.219-7000.

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Case Number	Part Number	Title	Synopsis	Status
2020-D021		(S) Transfer and Adoption of Military Animals	Implements section 372(f) of the NDAA for FY 2020, which requires a contract term for contract working dogs.	02/28/2020 DARC Director tasked Cmte. to draft proposed DFARS rule. Report due 04/08/2020. Report due date extended to 10/21/2020.
2020-D020		(S) Prohibition on Procurement of Foreign-Made Unmanned Aircraft Systems.	Implements section 848 of the FY20 NDAA by amending the DFARS to prohibit the procurement of foreign-made unmanned aircraft systems by the Department of Defense.	01/15/2020 DARC Director tasked Acquisition Technology and Information (DFARS) Cmte to draft proposed DFARS rule. Report due 02/26/2020. Report due date extended to 09/30/2020.
2020-D019		(S) Mitigating Risks Related to Foreign Ownership, Control, or Influence	Implements section 847 of the FY20 NDAA to amend regulations to enhance the process for assessing and mitigating risks related to foreign ownership, control, or influence (FOCI). Requires contract clauses providing for and enforcing changes in FOCI or beneficial ownership during performance of the contract or subcontract.	01/15/2020 DARC Director tasked Acquisition Technology and Information (DFARS) Cmte to draft proposed DFARS rule. Report due 02/26/2020. Report due date extended to 09/30/2020.
2020-D017		(S) Source Restrictions on Auxiliary Ship Components	Implements section 853 of the National Defense Authorization Act (NDAA) of Fiscal Year (FY) 2020 and amends 10 U.S.C.2534(a); requiring certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base.	09/18/2020 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2020-D016	216.504	(S) Modification of Determination Requirement for Certain Task- or Delivery-Order Contracts	Implements section 816 of the NDAA for FY 2020 (Pub. L. 116-92), which amends 10 U.S.C. 2304a to permit DoD to award a task- or delivery-order contract with an estimated value exceeding the specified threshold to a single source without the written determination required by 10 U.S.C. 2304a(d) (3), if the head of the agency has executed a justification for other than full and open competition under FAR Part 6.	09/17/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.

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Case Number	Part Number	Title	Synopsis	Status
2020-D015		(S) Gross Violations of Internally Recognized Human Rights	Implements section 888 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 to require update of the DoD policy and guidance and DFARS to provide specific guidance for DoD contractors performing DoD contracts that supports US Armed Forces deployed outside of the US on monitoring and reporting allegations of gross violations on internationally recognized human rights. References: Sec 888 NDAA FY2020; 22 U.S.C. 2304	03/04/2020 Case on hold, pending resolution of issues with OSD (P).
2020-D014		(S) Use of Qualified Apprentices by Military Construction Contractors	Implements section 865 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 to require contractors for military construction to certify that they will (1) establish a goal not less than 20% of employees are qualified apprentices; and (2) make a good faith effort to meet or exceed goal. Also implements the development of incentives for contractors for military construction and evaluate past performance in meeting or exceeding the established goal in Contractor Performance Assessment Reporting System (CPARS). References: Sec 865 NDAA FY2020; Subchapter III of Chapter 169 of Title 10	06/24/2020 DARC Director tasked Construction, Services, and Research and Development (DFARS) Cmte. to draft interim DFARS rule. Report due 08/05/2020. Report due date extended to 09/30/2020.
2020-D013		(S) Incentives and Past Performance Evaluation for Contractor Qualified Training Program	Implements section 864 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 to develop a workforce development investment incentives for contractor's qualified training program and use of Contractor Performance Assessment Reporting System (CPARS) to evaluate past performance of the availability, quality and effectiveness of their qualified training program. References: Sec 864, NDAA FY2020, 10 U.S.C. 2409; 29 U.S.C. 3101 and 50; 20 U.S.C. 2301	02/05/2020 Case on hold, pending resolution of issues with OUSD (P&R).
2020-D011		(S) Replacement of Fluorinated Aqueous Film-Forming Foam	Implements section 322 of the NDAA for FY 2020. Section 322 prohibits DoD procurement of fire-fighting foam containing perfluoroalkyl and polyfluoroalkyl substances unless used solely on board oceangoing vessels, after October 2023 and prohibits the use of fluorinated foam on military installations by October 2024, with the option for the Secretary of Defense to extend the date for up to one year using a waiver authority.	09/15/2020 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.

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Case Number	Part Number	Title	Synopsis	Status
2020-D010		(S) Prohibition on Contracting with Persons that have Business Operations with the Maduro Regime	Implements section 890 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 and prohibits the procurement of goods or services with any person that has business operations with an authority of the Government of Venezuela that is not recognized as the legitimate Government of Venezuela by the United States Government; subject to exceptions.	08/31/2020 Published proposed DFARS rule in Federal Register (85 FR 53751). Public comment period ends 10/30/2020.
2020-D009		(S) Reauthorization and Improvement of Mentor-Protege Program	Implements section 872 of the NDAA for FY 2020, which reauthorizes and modifies the DoD Mentor-Protege Program.	01/08/2020 DARC Director tasked DARS Staff to draft proposed DFARS rule. Report due 02/26/2020. Report due date extended to 09/30/2020.
2020-D008	215	(S) Failure to Provide Other than Certified Cost or Pricing Data Upon Request	Implements section 803 of the NDAA for FY 2020, which amends 10 U.S.C. 2306a(d) to state that an offeror is ineligible for award if the contracting officer is unable to determine proposed prices are fair and reasonable by any other means, when an offeror fails to make a good faith effort to comply with a reasonable request to submit data, unless the HCA determines that it is in the best interest of the Government to make the award to that offeror.	01/22/2020 DARC Director tasked Acquisition Law (DFARS) Cmte. to draft proposed DFARS rule. Report due 03/18/2020. Report due date extended to 10/14/2020.
2020-D007	212.301, 225.7018, 252.225-7052	(S) Restriction on Acquisition of Tantalum	Implements section 849 of the NDAA for FY 2020, including tantalum in the definition of covered materials in 10 U.S.C. 2533c.	09/14/2020 OIRA cleared interim DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2020-D005	245, 252	Property Loss Reporting in the Procurement Integrated Enterprise Environment (PIEE)	The rule updates DoD Property Loss Reporting procedures at DFARS 245.102(5) and 252.245-7002 (b)(1), replacing the DCMA eTool with the Government Furnished Property (GFP) Module in PIEE as the DoD data repository for reporting loss of Government property in the possession of contractors.	09/01/2020 Published proposed DFARS rule in Federal Register (85 FR 53761). Public comment period ends 10/30/2020.
2020-D002	209, 252	(R) Repeal of DFARS Provision and Clause on Reserve Officer Training Corps and Military Recruiting on Campus	Repeals DFARS provision 252.209-7003, Reserve Officer Training Corps and Military Recruiting on Campus-Representation, and clause 252.209-7005, Reserve Officer Training Corps and Military Recruiting on Campus, pursuant to action taken by the DoD Regulatory Reform Task Force.	07/16/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.

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Case Number	Part Number	Title	Synopsis	Status
2020-D001	236, 252	Design-Build Construction Contracts	Adds a new DFARS clause, Design-Build Construction Contracts, to specifically address the unique requirements of design-build construction contracts, where the A-E services and construction requirements are procured under the same contract.	10/24/2019 DARC Director tasked Construction, Services, and R and D Team to draft proposed DFARS rule. Report due 12/11/2019. Report due date extended to 09/30/2020.
2019-D045	225, 252	(EO) Maximizing Use of American-Made Goods	Implements E.O. 13881, Maximizing Use of American-Made Goods, Products, and Materials, which supersedes E.O. 10582 by establishing that under the Buy American Act a product is foreign if the cost of all foreign components used in such product constitutes 45% or more of the cost of all components; except that iron and steel products are foreign if the cost of foreign iron and steel equals or exceeds 5 percent of the cost of all components.	03/11/2020 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2019-D044	227	(S) Rights in Technical Data	Implements section 809(c) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 and section 815(a) of the NDAA for FY 2012, which address deferred ordering of technical data.	10/02/2019 DARC Director tasked Patents, Data, and Copyrights (DFARS) Cmte to draft DFARS advance notice of proposed rulemaking. Report due 11/13/2019. Report due date extended to 09/30/2020.
2019-D043	227, 252	Small Business Innovation Research Program Data Rights	Implements changes related to data rights in the Small Business Administration's Policy Directive for the Small Business Innovation Research (SBIR) Program, published in the Federal Register on April 2, 2019 (84 FR 12794).	08/31/2020 Published advance notice of proposed rulemaking in Federal Register (85 FR 53758). Public comment period ends 10/30/2020.
2019-D042	227	(S) Rights Relating to Modular Open System Approaches and Validation of Proprietary Data Restrictions	Implements section 809(a), (b), and (d) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, which addresses rights relating to items or processes developed exclusively at private expense. Also implements section 815(b) of the NDAA for FY 2012, which addresses validation of proprietary data restrictions.	10/02/2019 DARC Director tasked Patents, Data, and Copyrights (DFARS) Cmte to draft DFARS advance notice of proposed rulemaking. Report due 01/22/2020. Report due date extended to 09/30/2020.



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Case Number	Part Number	Title	Synopsis	Status
2019-D041	204.73, 204.75, 212.301, 217.207, 252.204-7019, 252.204-7020, 252.204-7021	Strategic Assessment and Cybersecurity Certification Requirements	Implements a standard DoD-wide methodology for assessing DoD contractor compliance with all security requirements in the National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations and a DoD certification process, known as the Cybersecurity Maturity Model Certification (CMMC), that measures a company's maturity and institutionalization of cybersecurity practices and processes. Partially implements section 1648 of the FY20 NDAA.	09/17/2020 OIRA cleared interim DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2019-D038	204.71	Uniform Use of Line Items	Implements changes required subsequent to FAR Case 2013-014 published as a final rule (82 FR 4709) (FAC 2005-95) on January 13, 2017; to amend DFARS 204.71 to remove coverage that duplicates coverage added to FAR 4.10 and to provide agency implementing guidance and procedures.	08/16/2019 DARC Director tasked staff. to draft proposed DFARS rule. Report due 10/16/2019. Report due date extended to 10/07/2020.
2019-D037		Peer Reviews of Contracts for Supplies and Services	Revises the authorities at DFARS 201.170 for the conduct of peer reviews by the Office of the Secretary of Defense.	04/20/2020 Case on hold, pending policy input.
2019-D036		Inflation Adjustment of Acquisition-Related Thresholds	Adjusts statutory acquisition-related thresholds for inflation to implement 41 U.S.C. 1908; and other acquisition-related thresholds as a matter of policy, planned to be effective October 1, 2020.	09/16/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2019-D034	212, 236, 252	(S) Preference for Commercial Construction Services	Partially implements section 876 of the NDAA for FY 2017 (Pub. L. 114-328) regarding the preference for the acquisition of commercial construction services.	06/05/2019 DARC Director tasked Construction, Services, and Research and Development (DFARS) Team to draft proposed DFARS rule. Report due 08/07/2019. Report due date extended to 10/28/2020.
2019-D031		(S) Exception to Competition for Certain Follow-on Production Contracts	Implements section 815(f) of the NDAA for FY 2016 (Pub. L. 114-92), which implements 10 U.S.C. 2371b and amends the criteria that must be met to award a follow-on production contract, resulting from a transaction entered into under 10 U.S.C. 2371b, without the use of competitive procedures.	08/26/2020 DARC agreed to draft final DFARS rule. DAR staff processing.



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Case Number	Part Number	Title	Synopsis	Status
2019-D029	212, 244, 252	(S) Treatment of Certain Items as Commercial Items	Implements sections 877 and 878 of NDAA for FY 2017 (10 USC 2380a and 2380b). Section 877, Treatment of Commingled Items purchased by Contractors as Commercial items, adds 10 U.S.C. 2380b. Section 878, Treatment of Services Provided by Nontraditional Contractors as Commercial Items, amends 10 U.S.C. 2380a.	09/17/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2019-D023		(R) Repeal of DFARS Clause "Substitutions for Military or Federal Specifications and Standards"	Repeals DFARS clause 252.211-7005, Substitutions for Military or Federal Specifications and Standards, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/17/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2019-D022		(R) Repeal of DFARS Provision "Alternate Preservation, Packaging, and Packing"	Repeals DFARS provision 252.211-7004, Alternate Preservation, Packaging, and Packing, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/17/2020 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP. Confirm any required systems changes.
2019-D014		(R) Modification of DFARS Clause "Special Definitions of Government Property"	Modifies DFARS clause 252.237-7018, Special Definition of Government Property, pursuant to action taken by the DoD Regulatory Reform Task Force.	07/24/2019 Case on hold, pending SecDef approval..
2019-D010	212.301, 237.270, 252.237	(S) Requirement for Accounting Firms Used to Support Department of Defense Audit	Implements section 1006 of the NDAA for FY 2019. In accordance with sSection 1006 and DoD policy, the proposed rule will requires accounting firms that offer to provide financial statement auditing or audit remediation services to DoD in support of the audit required under 31 U.S.C. 3521 to represent whether the offeror has been the subject of disciplinary proceedings and, if so, to provide to DoD a statement setting forth the details of any disciplinary proceedings with respect to the accounting firm or its associated persons before any entity with the authority to enforce compliance with rules or laws applying to audit services offered by the accounting firms.	02/27/2019 DARC Director tasked Ad Hoc Team to draft proposed DFARS rule. Report due 04/03/2019. Report due date extended to 10/07/2020.
2019-D009	209, 213, 252	Use of Supplier Performance Risk System (SPRS) Assessments	Incorporates SPRS risk assessments, to include price, item and supplier risk, in the evaluation of offerors and the determination of responsibility. DFARS Case 2017-D003 has been closed into DFARS case 2019-D009.	08/31/2020 Published proposed DFARS rule in Federal Register (85 FR 53748). Public comment period ends 10/30/2020.

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Case Number	Part Number	Title	Synopsis	Status
2019-D001	232	Contract Financing	Revises contract financing policies for DoD contracts, in order to increase DoD's overall effectiveness and efficiency.	12/12/2018 Published in FRN (83 FR 63846) announcement of public meetings on 1/10/2019, 1/22/2019, and 2/19/2019.
2018-D074		(S) Inapplicability of Additional Defense-Unique Laws and Certain Non-statutory DFARS clauses to Commercial Item Contracts	<p>Implements paragraphs (b) and (c) of section 849 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 (Pub. L. 115-91) to eliminate certain contract clause requirements applicable to FAR part 12 commercial item acquisitions and COTS item subcontracts, unless the Secretary of Defense determines that there is a specific reason not to eliminate the regulation.</p> <p>Also, implements paragraph (a) of section 837 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232), which revises 10 U.S.C. 2375(b)(2) by deleting the words "January 1, 2015" and adding the words "October 13, 1994" to eliminate certain solicitation provisions and contract clauses enacted after October 13, 1994, from commercial item solicitations and contracts, unless the Under Secretary of Defense for Acquisition and Sustainment makes a written determination that it would not be in best interest of the Department of Defense to exclude them.</p>	09/19/2019 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D071	207, 212, 215, 227	(S) Negotiation of Price for Technical Data and Preference for Specially Negotiated Licenses	Implements section 835 of the NDAA for FY 2018 and section 867 of the NDAA for FY 2019. Section 835 adds 10 U.S.C. 2439 to require negotiation of a price for technical data before development or production of major weapon systems, and amends 10 U.S.C. 2320 to establish a preference for specially negotiated licenses. Section 867 requires DoD, before selecting a contractor for production or sustainment of a major weapon system, to negotiate a price for technical data to be delivered under the contract.	01/22/2020 DARC Director tasked Patents, Data, and Copyrights (DFARS) Cmte. to review public comments, draft proposed DFARS rule. Report due 03/18/2020. Report due date extended to 09/30/2020.
2018-D069	227, 252	(S) Validation of Proprietary and Technical Data	Implements section 865 of the NDAA for FY 2019. Section 865 provides for a presumption of development exclusively at private expense under a contract for commercial items, unless DoD demonstrates the item was not developed exclusively at private expense.	08/31/2020 Published proposed DFARS rule in Federal Register (85 FR 53755). Public comment period ends 10/30/2020.

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Case Number	Part Number	Title	Synopsis	Status
2018-D066		(S) Revision of Definition of Commercial Item	Partially implements sections 836 and 837 of the NDAA for FY 2019 (Pub. L. 115-232). Section 836 separates the definition of "commercial item" into two definitions: one for commercial products and another for commercial services. The effective date of the new definition is January 1, 2020. Section 837, paragraphs (b) and (c), implements the new definition for commercial products in 10 U.S.C. 2533a, regarding the Berry Amendment, and 10 U.S.C. 2533b, regarding specialty metals.	08/22/2018 DARC Director tasked Acquisition Strategy Team to draft proposed DFARS rule. Report due 10/10/2018. Report due date extended to 09/30/2020.
2018-D064		(S) Disclosure of Information Regarding Foreign Obligations	Implements Section 1655 of FY19 NDAA which requires certain offerors and contractors to disclose foreign obligations.	05/10/2019 Case on hold, pending resolution of technical issues.
2018-D063		(S) Data Collection and Inventory for Services Contracts	Implements 10 U.S.C. 2330a, as amended by section 812 of the NDAA for FY2017 (Pub .L. 114-328), which requires DoD to establish an inventory and maintain specific data on service contracts with an estimated value exceeding \$3 million and predominately for services in certain service acquisition portfolio groups.	08/20/2020 DARC Director tasked Acquisition Strategy Team to review public comments, draft final DFARS rule. Report due 09/16/2020. Report due date extended to 09/30/2020.
2018-D055	236, 242, 252	(S) Past Performance of Subcontractors and Joint Venture Partners	Implements section 823 of the NDAA for FY 2019 (Pub. L. 115-232). Section 823 requires the development of policies and revisions to DFARS part 242 for the inclusion of best available information regarding past performance of subcontractors and joint venture partners when awarding contracts.	09/20/2019 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D053	225, 252	Export-Controlled Items	Requires contractors to provide any export control license to the contract administration office, in order to facilitate the use of existing host nation agreements.	03/08/2020 DARS Regulatory Control Officer notified OASD(LA) of planned publication of draft proposed DFARS rule.
2018-D044		(R) Repeal of DFARS Clause "Tariff Information"	Repeals DFARS clause 252.239-7006, Tariff Information, pursuant to action taken by the DoD Regulatory Reform Task Force.	08/26/2020 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D043		(R) Modification of DFARS Clause "Change in Place of Performance - Ammunition and Explosives"	Modifies DFARS clause 252.223-7003, Change In Performance - Ammunition and Explosives, and DFARS clause 252.223-7002, pursuant to action taken by the DoD Regulatory Reform Task Force.	06/21/2019 Case on hold, pending update of DoD Instruction associated with the rule.

## Open DFARS Cases as of September 25, 2020

Case Number	Part Number	Title	Synopsis	Status
2018-D031	231	(R) Modification of DFARS Clause "Pricing of Contract Modifications"	Modifies DFARS clause 252.243-7001, Pricing of Contract Modifications, pursuant to action taken by the DoD Regulatory Reform Task Force.	06/21/2019 Case on hold, pending SecDef approval.
2018-D022	204, 212.301, 252.204	(S) Covered Telecommunications Equipment or Services	Implements section 1656 of the NDAA for FY 2018 (Pub. L. 115-91). Section 1656 provides that DoD may not procure or obtain or extend or renew a contract to provide or obtain any equipment, system, or service to carry out the DoD nuclear deterrence mission or the DoD homeland defense mission if such equipment, system, or service uses covered telecommunications equipment or services as a substantial or essential component of any system or as a critical technology as a part of any system.	06/18/2020 Case manager forwarded draft final DFARS rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D018	227	(S) Noncommercial Computer Software	Implements section 871 of the NDAA for FY 2018. Section 871 adds new section 10 U.S.C. 2322a, Requirement for consideration of certain matters during acquisition of noncommercial computer software.	04/29/2020 DARC Director tasked Patents, Data, and Copyrights Cmte. to draft proposed DFARS rule. Report due 06/17/2020. Report due date extended to 10/07/2020.
2018-D009	202, 212, 215, 216, 233, 252	(S) Postaward Debriefings	Implements section 818 of the NDAA for FY 2018. Section 818 requires amendment of the DFARS to provide enhanced debriefing rights for contracts and task or delivery orders that exceed \$10 million.	09/24/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2017-D042	204.804, 252.204	Expediting Contract Closeout	Permits closeout of contracts without reconciliation of low dollar residual amounts (to be determined) arising under a contract.	06/17/2020 DARC Director tasked Contract Administration Cmte. to review public comments, draft final DFARS rule. Report due 07/29/2020. Report due date extended to 10/14/2020.
2017-D036	204.71, 232.5, 252.204, 252.232	Payment Instructions	Considers the recommendations of an Ad Hoc team of representatives from DFAS, OUSD Comptroller and CFO, the military services, and DPAP), which concluded that the appropriate accounting treatment for payments can be derived from the type of item acquired and the type of payment.	09/23/2020 DARC received DARS Staff draft proposed DFARS rule. Will discuss draft proposed DFARS rule on 10/07/2020.
2017-D028		(S) Repeal of Major Automated Information Systems Provisions	Implements section 846 of the NDAA for FY 2017 (Pub. L. 114-328), which repeals 10 U.S.C. Chapter 144A and amends 10 U.S.C. 2334(a)(2). Section 846 is effective on September 30, 2017.	04/12/2017 Case on hold, pending rewrite of DoDI 5000.02.

## Open DFARS Cases as of September 25, 2020

Case Number	Part Number	Title	Synopsis	Status
2017-D021	242, 252	(S) Contractor Business Systems	Implements sections 893 of the NDAA for FY 2017 (Pub. L. 114-328) to revise the requirements for review of contractor business systems.	01/11/2017 DARC Director tasked Ad Hoc Cmte. to draft proposed DFARS rule. Report due 03/08/2017. Report due date extended to 10/07/2020.
2017-D018	215, 231, 252	(S) Treatment of Incurred Independent Research and Development Costs	Implements section 824 of the NDAA for FY 2017 (Pub. L. 114-328), which amends 10 U.S.C. 2372 to require regulations governing the payment by the DoD of expenses incurred by contractors for independent research and development (IR&D) costs, and amends 10 U.S.C. 2313a to require DCAA reporting of contractor IR&D and bid & proposal costs.	06/27/2019 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2017-D010	212.3, 212.5, 252.244-7000	(S) Inapplicability of Certain Defense-Unique Laws to Commercial Items	Partially implements section 874 of the NDAA for FY 2017 (Pub. L. 114-328).to address commercial item applicability for DFARS-unique statutes and associated contract clauses issued on or after January 1, 2015. Nonstatutory FAR contract clauses issued on or after January 1, 2015, are being reviewed under FAR Case 2018-019. The rule also redefines "subcontract" and restricts flowing down these contract clauses to subcontracts under contracts for the acquisition of commercial items, including commercially available off-the-shelf items.	11/15/2019 DARS Regulatory Control Officer identified issues with draft final DFARS rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
2016-D021	52.225-7040, DFARS 225	Contractor Personnel Supporting U.S. Armed Forces Outside the United States	Updates DFARS clause 252.225-7040 and adds comparable clause for noncontingency situations.	05/09/2018 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2015-D038	234, 252.234	Earned Value Management Applicability	Addresses applicability of Earned Value Management (EVM) on DoD contracts. The rule will address thresholds, roles and responsibilities, and approval authorities for the application of EVMS.	08/23/2019 Case manager returned draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.