



Open DFARS Cases as of 2/2/2024



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Open DFARS Cases as of February 02, 2024

Case Number	Part Number	Title	Synopsis	Status
2024-D020	247	Logistics Information Technologies	This case implements section 825(a) of the NDAA for FY 2024 (Pub. L. 118-31), which prohibits DoD from contracting with entities that provide data to certain logistics platforms unless a waiver is granted.	01/31/2024 DARC Director tasked Acquisition Environmental and Contract Management Team-Transportation to draft proposed DFARS rule. Report due 04/10/2024.
2024-D019	236	Increase of Statutory Architect and Engineering Service Fees	Implements section 2881 of the NDAA for FY 2024 (Pub. L. 118-31) which increases the statutory limit on fee for architect and engineering services procured by the Departments of the Air Force, Army, and Navy.	01/31/2024 DARC received DFARS Staff draft proposed DFARS rule. Will discuss draft proposed DFARS rule on 02/14/2024.
2024-D018		(S) Prohibition on the Transfer of Certain Data of Employees of the Department of Defense to Third Parties	Implements section 803 of the NDAA for FY 2024 (Pub. L. 118-31), which prohibits a contractor from selling, licensing, or otherwise transferring covered individually identifiable DoD employee data to any individual or entity other than the Federal Government, except when allowed by statute or OMB guidance.	01/24/2024 DARC Director tasked the DFARS Acquisition Technology & Information Team to draft proposed DFARS rule. Report due 03/06/2024.
2024-D017	234, 252	(S) Earned Value Management System	Implements section 827 of the NDAA for FY 2024 (Pub. L. 118-31), which updates Earned Value Management (EVM) applicability thresholds and exempts contracts and subcontracts primarily for the procurement of software from the EVM requirement.	01/24/2024 DARC Director tasked Staff to draft proposed DFARS rule. Report due 04/03/2024.
2024-D016	215	(S) Past Performance of Affiliate Companies of Small Business Concerns	Implements section 865 of the NDAA for 2024 (Pub. L. 118-31), which directs DoD to amend DFARS 215.305 to require contracting officers to consider the past performance information of affiliate companies of small business concerns, if relevant, during the past performance evaluation and source selection processes.	01/24/2024 DARC Director tasked staff to draft proposed DFARS rule. Report due 03/20/2024.
2024-D015	225.70	(S) Prohibition on Contracting with Russian Energy Fossil Fuel Operations	Implements section 804 of the NDAA for 2024 (Pub. L. 118-31) which prohibits contracting with Russian Energy Fossil Fuel Operations.	01/24/2024 DARC Director tasked DFARS Acquisition Law - International Acquisition Sub-Team to draft proposed DFARS rule. Report due 04/17/2024.
2024-D014	225.7018	(S) Exception Amendment for Restriction on Certain Metal Products	Implements section 834 of the NDAA for 2024 (Pub. L. 118-31) which amends 10 U.S.C. 4872 as it pertains to the exception requirements to the acquisition restriction on certain magnets, tantalum and tungsten.	01/24/2024 DARC Director tasked DFARS Acquisition Law International Acquisition Sub-Team. to draft proposed DFARS rule. Report due 04/10/2024.

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Case Number	Part Number	Title	Synopsis	Status
2024-D013	225.7002, 252	(S) Revision of Small Purchase Exception for the Acquisition of U.S. Flags	Implements section 832 of the NDAA for 2024 (Pub. L. 118-31) which revises 10 USC 4862 to remove the exception for small purchases provided in 10 USC 4862(h) for purchases of flags of the United States.	01/24/2024 DARC Director tasked DFARS Acquisition Law International Acquisition Sub-team to draft proposed DFARS rule. Report due 03/27/2024.
2024-D012		(S) Prohibition on Procurement Related to Chinese Military Companies	Implements section 805 of the NDAA for 2024 (Pub. L. 118-31) which prohibits the procurement of certain goods, services, and technologies from certain entities listed as Chinese military companies.	01/24/2024 DARC Director tasked DFARS Acquisition Law - International Acquisition Sub-team to draft proposed DFARS rule. Report due 03/27/2024.
2024-D011		(S) Limitation on Procurement of Certain Batteries	Implements section 154 of the NDAA for 2024 (Pub. L. 118-31) which prohibits the procurement of batteries that are produced by certain entities, unless a waiver applies.	01/24/2024 DARC Director tasked DFARS Acquisition Law - International Acquisition Sub-team to draft proposed DFARS rule. Report due 04/03/2024.
2024-D010		(S) Restrictions on Certain Aerospace-Grade Metals	Implements section 833 of the NDAA for 2024 (Pub. L. 118-31) which revises 10 USC 4863 to add restrictions on aerospace-grade metals.	01/24/2024 DARC Director tasked DFARS Acquisition Law - International Acquisition Sub-team to draft proposed DFARS rule. Report due 03/27/2024.
2024-D009		(S) Pilot Program to Incentivize Progress Payments	Implements section 874 of the NDAA for FY 2024 (Pub. L. 118-31), which requires implementation of a pilot program to incentivize voluntary contractor performance using higher progress payment rates.	01/24/2024 DARC Director tasked DFARS Acquisition Finance Team to draft proposed DFARS rule. Report due 03/13/2024.
2024-D008	12	(S) Commercial Item Determination Documentation	Implements section 801 of the NDAA for FY 2024 (Pub. L. 118-31), which requires contracting officers to provide commercial item determination documentation to contractors and subcontractors upon request.	01/24/2024 DARC Director tasked Adhoc team to draft proposed DFARS rule. Report due 03/13/2024.
2024-D007	237	(S) Preventing Conflicts of Interest for Certain Consulting Services	Implements section 812 of the NDAA for FY 2024 (Pub. L. 118-31), which prohibits contracting with an entity providing consulting services with a North American Industry Classification System code beginning with 5416 whose subsidiaries or affiliates hold a contract for consulting services with certain foreign entities unless the entity maintains an auditable conflict of interest mitigation plan.	01/24/2024 DARC Director tasked DFARS Services Sub-Team to draft proposed DFARS rule. Report due 03/13/2024.

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Case Number	Part Number	Title	Synopsis	Status
2024-D006	252	(S) Procurement Technical Assistance Program	Implements section 853 of the NDAA for FY 2024 (Pub. L. 118-31), which modifies the definition of cooperative agreement holders.	01/24/2024 DARC Director tasked DFARS staff to draft proposed DFARS rule. Report due 03/13/2024.
2024-D005	Appendix I	(S) DoD Mentor-Protege Program	Implements section 852 of the NDAA for 2024 (Pub. L. 118-31) which specifies the types of instruments that mentors and proteges may use to enter into agreements under the DoD Mentor-Protege Program.	01/24/2024 DARC Director tasked the DFARS Small Business team to draft proposed DFARS rule. Report due 03/13/2024.
2024-D004	17, 52	(S) Pilot Program to Incentivize Contracting with Employee-Owned Businesses	Implements section 874 of the NDAA for FY 2022 (Pub. L. 117-81) and section 872 of the NDAA for FY 2024 (Pub. L. 118-31) which establishes a pilot program that allows for the noncompetitive award of certain follow-on contracts to an employee-owned business that meets the definition of a "qualified business".	01/24/2024 DARC Director tasked Adhoc to draft proposed DFARS rule. Report due 03/13/2024.
2024-D003	252	(S) Disclosure of DoD Funding in Technical Publications	Implements Section 212 of the NDAA for FY 2021 (Pub. L. 116-283) which requires contractors to assert the dollar amount of the research and development funds received from the Department of Defense for such activities.	12/06/2023 DARC Director tasked Research and Development Cmte. to draft proposed DFARS rule. Report due 01/17/2024. Report due date extended to 02/21/2024.
2024-D002		Inflation Adjustment of Acquisition-Related Thresholds	Fiscal Year 2025 implementation of 41 U.S.C. 1908, which requires the adjustment of statutory acquisition-related thresholds for inflation and other acquisition-related thresholds as a matter of policy, planned to be effective October 1, 2025.	11/29/2023 DARC Director tasked Staff Level DFARS to draft proposed DFARS rule. Report due 02/07/2024.
2023-D024		Updates to the Safeguarding Covered Defense Information and Cyber Incident Reporting Clause	Amends the Defense Federal Acquisition Regulation Supplement (DFARS) to update DFARS clause 252.204-7012, Safeguarding Covered Defense Information and Cyber Incident Reporting, to incorporate references to NIST SP 800-172 requirements, harmonize certain terminology, address international agreements, and streamline the vendor identification process.	10/04/2023 DARC Director tasked Acquisition Technology & Information (FAR) Team to draft proposed DFARS rule. Report due 12/20/2023. Report due date extended to 03/13/2024.

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Case Number	Part Number	Title	Synopsis	Status
2023-D023	225, 252	Trade Agreements Thresholds	Amends the DFARS to incorporate revised thresholds for application of the World Trade Organization (WTO) Government Procurement Agreement (GPA) and the Free Trade Agreements (FTA), as determined by the United States Trade Representative. Approximately every two years, the trade agreements thresholds for the WTO GPA and the FTAs are revised according to predetermined formulae under the agreements, to adjust for changes in economic conditions. These thresholds become effective on January 1, 2024.	12/05/2023 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2023-D022		(S) Definition of Subcontract	<p>Implements section 874 of the NDAA for FY 2017 (Pub. L. 114-328; 10 U.S.C. 3452), which redefines subcontract and restricts the flowdown of contract clauses to subcontracts under contracts for the acquisition of commercial products, including COTS items, and commercial services.</p> <p>The implementation of this definition was removed from DFARS cases 2017-D010 and 2018-D074 to align with the publication of the FAR final rule (FAR case 2018-006) to implement a similar statutory definition.</p>	06/28/2023 Case on hold, pending publication of proposed rule for FAR Case 2018-006.
2023-D021		Information Technology, Cybersecurity, and Cyber-related Contractor Training and Certification Requirements	Replaces the reference to DoD 8570.01-M, Information Assurance Workforce Improvement Program, with DoDM 8140.03, Cyberspace Workforce Qualification and Management Program, and revises outdated language.	05/31/2023 DARC Director tasked Acquisition Technology & Information (DFARS) to draft proposed DFARS rule. Report due 07/12/2023. Report due date extended to 03/06/2024.
2023-D020	203	Notification For Contractor Employee Complainants	Establishes a requirement for heads of agencies to notify contractor employee complainants and the DoD Inspector General, in writing, of either the actions ordered to resolve a whistleblower complaint or the decision to deny relief.	05/17/2023 DARC Director tasked DARS Staff to draft final DFARS rule. Report due 06/28/2023. Report due date extended to 02/14/2024.
2023-D019	204, 252	Department of Defense Catalog Data Standard	Implements a requirement to use the Department of Defense Catalog Data Standard when contracting for certain commercial products and services, and other potential use cases to standardize the collection of data for supplies and services obtained from contractor catalogs.	05/10/2023 DARC Director tasked Acquisition Technology & Information (DFARS) to draft proposed DFARS rule. Report due 06/14/2023. Report due date extended to 02/07/2024.

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Case Number	Part Number	Title	Synopsis	Status
2023-D018	204, 213	Open Market Micro-purchase Representation	Implements a representation requirement for open market micro-purchases in connection with the prohibition on contracting for certain telecommunications and video surveillance services or equipment at FAR subpart 13.201(j).	05/10/2023 DARC Director tasked Acquisition Technology and Information Team to draft proposed DFARS rule. Report due 06/14/2023. Report due date extended to 02/21/2024.
2023-D017	226, 252	(S) Pilot Program to Incentivize Contracting with Employee-Owned Business	Implements section 874 of the NDAA for FY 2022 (Pub. L. 117-81), which allows for the noncompetitive award of certain follow-on contracts to an employee-owned business that meets the definition of a "qualified business". Section 874 defines a "qualified business" as an S corporation in accordance with section 1361(a)(a) of the Internal Revenue Code of 1986 for which 100% of the outstanding stock is held through an employee stock ownership plan.	01/24/2024 Case closed into DFARS case 2024-D004.
2023-D016	225.73	Acquisitions for Foreign Military Sales and Transportation	Revises DFARS 225.73 to clarify FMS requirements in Appendix F that are necessary to resolve issues associated with the transportation of FMS goods such as lost, misdirected or frustrated shipments with FMS partners.	04/10/2023 DARC Director tasked Adhoc team to draft proposed DFARS rule. Report due 06/07/2023. Report due date extended to 02/28/2024.
2023-D014	225	(S) Strategic and Critical Materials Stockpiling Act Reform	Implements section 1411 of the NDAA for FY 2023 (Pub. L. 117-263); which repeals 10 U.S.C. 187 the Strategic Materials Protection Board, and amends 50 U.S.C. 98h-1 section 10, Strategic and Critical Materials Board of Directors.	02/15/2023 DARC Director tasked Acquisition Law International Acquisition team to draft proposed DFARS rule. Report due 04/12/2023. Report due date extended to 03/06/2024.
2023-D013	225.8	(S) Modification of Cooperative Research and Development Project Authority	Implements section 211 of the NDAA for FY 2023 (Pub. L. 117-263) which amends 10 U.S.C. 2350a(a) (2) to expand the scope of 225.871, North Atlantic Treaty Organization (NATO) cooperative projects to include Cooperative Research and Development Projects and include other allied and friendly foreign countries under the European Union and the European Defense Agency, the European Commission, and the Council of the European Union and their suborganizations.	02/15/2023 DARC Director tasked Acquisition Law International Acquisition team to draft proposed DFARS rule. Report due 04/12/2023. Report due date extended to 02/28/2024.

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Case Number	Part Number	Title	Synopsis	Status
2023-D012	204, 252	(S) Prohibition on Procurement of Foreign-Made Unmanned Aircraft Systems	Implements section 848 of the NDAA for FY 2020 (Pub. L. 116-92), as amended by section 817 of the FY 2023 NDAA (Pub. L. 117-263), which prohibits the procurement of certain foreign-made unmanned aircraft systems by the Department of Defense.	02/08/2023 DARC Director tasked Acquisition Technology & Information Team to draft proposed DFARS rule. Report due 03/22/2023. Report due date extended to 02/14/2024.
2023-D011	219, 232, 252, Appendix I	(S) DoD Mentor-Protege Program	Implements section 856 of the NDAA for FY 2023 (Pub. L. 117-263), which permanently codifies the DoD Mentor-Protege Program and makes other program amendments.	01/31/2024 DARC received draft final DFARS rule from DFARS Small Business Team. Will discuss on 02/07/2024.
2023-D010	212, 215, 234, 252	(S) Data Requirements for Commercial Products for Major Weapon Systems	Implements section 803 of the NDAA for FY 2023 (Pub. L. 117-263), which requires an offeror to provide data to support a commercial product assertion for a subsystem, component, or spare part of a major weapon system.	12/22/2023 Published proposed DFARS rule in Federal Register (88 FR 88554). Public comment period ends 02/20/2024.
2023-D009	207, 234	(S) Use of Fixed-Price Contracts for Certain Major Defense Acquisition Programs	Implements section 808 of the NDAA for FY 2023 (Pub. L. 117-263), which limits the number of low-rate initial production (LRIP) lots associated with a major defense acquisition program (MDAP) to not more than one if the milestone decision authority authorizes the use of a fixed-price type contract at the time of Milestone B approval and the scope of the fixed-price contract includes both development and LRIP for items under the MDAP.	12/20/2023 DARC Director tasked Systems Acquisition Cmte. to review public comments, draft final DFARS rule. Report due 02/07/2024.
2023-D008	243	(S) Treatment of Certain Clauses Implementing Executive Orders	Implements section 805 of the NDAA for FY 2023 (Pub. L. 117-263), which requires that the unilateral insertion of a clause implementing an Executive Order into an existing Department of Defense contract or order be treated as a change subject to the Changes Clause at FAR 52.243-4.	01/25/2023 DARC Director tasked DFARS Acquisition Environmental & Contract Management Team to draft proposed DFARS rule. Report due 03/15/2023. Report due date extended to 02/28/2024.
2023-D007	216,236	(S) Task Order and Delivery Order Contracting for Architectural and Engineering Services	Implements section 802 of the NDAA for FY 2023 (Pub. L. 117-263), which requires task orders and delivery orders for architectural and engineering services issued under 10 U.S.C. 3403 and 3405 to be awarded using qualification based selections in accordance with chapter 11 of Title 40 (Brooks Act).	01/25/2023 DARC Director tasked DFARS Acquisition Strategy Team to draft proposed DFARS rule. Report due 03/08/2023. Report due date extended to 03/06/2024.

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Case Number	Part Number	Title	Synopsis	Status
2023-D004	237,252	(S) Accountability for Department of Defense Contractors Using Military Working Dogs	Implements section 382(e) of the NDAA for FY 2023 (Pub. L. 117-263), which requires the Secretary of Defense to issue regulations that prohibits the abandonment of contracted working dogs used in support of a military operation outside of the continental United States.	12/06/2023 Case on hold, pending DoDM for the Military Working Dog program.
2023-D003	225.7, 225.70, 252	(S) Procurement Requirements for Rare Earth Elements and Strategic Critical Materials	Implements section 857(a) and (b) of the NDAA for FY 2023 (Pub. L. 117-263). Section 857(a) requires any contractor that provides a system with a permanent magnet, that contains rare earth elements or strategic and critical materials disclose, after undertaking commercially reasonable inquiry, safeguard such disclosures in accordance with the applicable classification level required by the associated programs. Section 857(b) expands restrictions on procurement of military and dual-use technologies by Chinese Military Companies and amends section 1211 of the NDAA for FY 2006 (Pub. L. 109-163; 10 U.S.C. 4651 note).	01/25/2023 DARC Director tasked Acquisition Law Team to draft proposed DFARS rule. Report due 04/05/2023. Report due date extended to 02/07/2024.
2023-D002	213, 223, 252, 214	(S) Restriction on DoD Procurement of Certain Items Containing Perfluoroalkyl or Polyfluoroalkyl Substances	Implements section 345 of the NDAA for FY 2023 (Pub. L. 117-263) and section 333 of the NDAA for FY 2021 (Pub. L. 116-283), which restrict DoD from procuring certain items, such as fire-fighting equipment and nonstick cookware that contains or is treated with Perfluoroalkyl or Polyfluoroalkyl Substances.	01/25/2023 DARC Director tasked Acquisition Environmental & Contract Management Team to draft proposed DFARS rule. Report due 03/01/2023. Report due date extended to 04/03/2024
2022-D023	204, 217, 252	Data Universal Numbering System to Unique Entity Identifier Transition	Implements DoD Policy Memorandum, Transition of the Data Universal Numbering System Number to the Unique Entity Identifier in the System for Awards Management, signed January 7, 2022, regarding entity identification and reporting. The Data Universal Numbering System (DUNS) number has been replaced by the unique entity identifier (UEI) assigned by the System for Award Management (SAM).	08/10/2022 DARC Director tasked Ad-hoc team to draft proposed DFARS rule. Report due 09/21/2022. Report due date extended to 02/28/2024.
2022-D019	213, 225, 252	(EO) DFARS Buy American Act Requirements	Implements the requirements of the Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers, dated 25 January 2021 (effective 25 October 2022) in the DFARS.	12/22/2023 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.

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Case Number	Part Number	Title	Synopsis	Status
2022-D017	204, 252	NIST SP 800-171 DoD Assessment Requirements	Implements DoD assessment requirements, which provide 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.	02/23/2022 DARC Director tasked Ad-hoc team to review public comments, draft final DFARS rule. Report due 04/06/2022. Report due date extended to 02/07/2024.
2022-D016	252	(S) Update of Challenge Period for Validation of Asserted Restrictions on Technical Data and Computer Software	Implements section 815(b) of the NDAA for FY 2012 (Pub. L. 112-81), which addresses the validation of proprietary data restrictions.	11/30/2023 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2022-D014	235	(S) Modification of Prize Authority For Advanced Technology Achievements	Implements section 822 of the NDAA for FY 2022 (Pub. L 117-81), which revises 10 U.S.C. 2374a to authorize the award of contracts as a prize and requires DoD to notify Congress of award of a contract under this program that exceeds \$10,000,000.	01/16/2024 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2022-D013	212, 215, 225, 252, 218	(S) Assuring Integrity of Overseas Fuel Supplies	Implements section 843 of the NDAA for FY 2022 (Pub. L 117-81), which requires offerors to certify that fuel to be provided under a contract in support of a contingency operation is not sourced from a prohibited nation or region. Section 843 also requires the offeror to provide records to verify compliance with anticorruption statues and export-control regulations upon request. The statute also requires contracting officers to consider the use of a tradeoff process and certain evaluation factors in source selections for such contracts.	01/17/2024 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2022-D011	225	(S) Modifications to Printed Circuit Board Acquisition Restrictions	Implements section 851 of the FY 2022 NDAA (Pub. L. 117-81), which amends 10 U.S.C. 2533d, including the effective date of the statute, and section 841 of the FY 2021 NDAA (Pub. L. 116-283), which prohibits acquiring a covered printed circuit board from a covered country, unless a waiver is obtained .	01/19/2022 DARC Director tasked Acquisition Law Team-International Acquisition Cmte. to draft proposed DFARS rule. Report due 03/09/2022. Report due date extended to 03/06/2024.

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Case Number	Part Number	Title	Synopsis	Status
2022-D005	231	(S) Technology Protection Features Activities	Implements section 831 of the NDAA for FY 2022 (Pub. L. 117-81), which provides that DoD may designate as allowable costs independent research and development costs contractors incur to develop and incorporate technology protection features in a designated system during the research and development phase of the system.	10/11/2023 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2022-D004	214, 215, 252	(S) DoD Cost or Pricing Data Reporting Requirements	Implements section 804 of the NDAA for FY 2022 (Pub. L. 117-81) relating to modifications to contracts subject to cost or pricing data certification, section 814 of the NDAA for FY 2021 (Pub. L. 116-283) relating to requirements for requiring cost or pricing data and certification for modifications to contracts or subcontracts, and section 811(b) of the NDAA for FY 2018 (Pub. L. 115-91) relating to submission of other than cost or pricing data.	09/06/2023 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
2021-D028	234, 242, 252	Cost and Software Data Reporting for Major Weapons Systems	Implements Cost and Software Data Reporting Readiness Reviews, as required by DODM 5000.04 and DoDI 5000.73.	02/01/2024 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2021-D026	204, 252	(S) Beneficial Ownership Information Requirements	Implements section 6403 of the NDAA for FY 2021 (Pub. L. 116-283). Section 6403 requires certain contractors to disclose beneficial ownership information as part of any bid or proposal for a contract valued in excess of the simplified acquisition threshold.	02/03/2021 DARC Director tasked Acquisition Technology & Information (DFARS) team to draft proposed DFARS rule. Report due 03/17/2021. Report due date extended to 03/27/2024.
2021-D024	204, 212, 213, 252	(S) Limitation on Awards to Entities Operating Certain Communication Networks	Implements section 1662 of the NDAA for FY 2021 (Pub. L. 116-283), which prohibits the award, or renewal of a contract, with an entity than engages in commercial terrestrial operations using certain megahertz band.	02/03/2021 DARC Director tasked Acquisition Technology & Information (DFARS) team to draft proposed DFARS rule. Report due 03/17/2021. Report due date extended to 02/21/2024.
2021-D023	209, 212, 252	(S) Limitation on Certain Institutes of Higher Education	Implements section 1062 of the NDAA for FY 2021 (Pub. L. 116-283), which prohibits contract award to institutions of higher education that host a Confucius Institute.	01/10/2024 DARC received draft final DFARS rule from Acquisition Law Team. Will discuss on 01/24/2024.

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2021-D022	212, 225.70	(S) Limitation on the Acquisition of Certain Satellite Component and on Certain Goods Other than United States Goods	Implements sections 845 and 1603 of the NDAA for FY 2021 (Pub. L. 116-283), which further amends 10 U.S.C. 2534(a) to require that acquisition of a star tracker, used in certain satellites, is obtained from the National Technology and Industrial Base (NTIB); and certain shipboard components and certain other goods be manufactured in the NTIB. This case also implements section 816 of the NDAA for FY 2022, which amends 10 U.S.C. 4864 paragraph (a)(2) to add welded shipboard anchor and mooring chain (without size restrictions), and section 853 of the NDAA for FY 2023, which amends 10 U.S.C. 4864 paragraph (a)(4) to add "T-ARC".	01/24/2024 DARC Director tasked Acquisition Law (DFARS) to review public comments, draft final DFARS rule. Report due 03/13/2024.
2021-D020	212, 247, 252, PGI 247	(S) Preference for United States Vessels in Transporting Supplies by Sea	Implements section 1024 of the NDAA for FY 2021 (Pub. L. 116-283), which provides a preference for U.S. vessels when transporting supplies by sea and requires that reflagging or repair work is performed in the U.S., unless the requirement is waived.	01/05/2024 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2021-D015	225, 252	(S) Restriction on Certain Metal Products	Implements section 844 of the NDAA for FY 2021 (Pub. L. 116-283), which amends the 10 U.S.C. 2533c prohibition on procuring covered material melted or produced in any covered nation and the exceptions to the prohibition.	07/06/2023 DARC Director tasked Acquisition Law Team to review public comments, draft final DFARS rule. Report due 09/06/2023. Report due date extended to 02/28/2024.
2021-D011	204, 252	(S) Mitigating Risks Related to Foreign Ownership, Control, or Influence	Implements section 819 of the NDAA for FY 2021 (Pub. L. 116-283) and section 847 of the NDAA for FY 2020 (Pub. L. 116-92). Section 847 enhances the process for assessing and mitigating risks related to foreign ownership control, or influence. Section 819 amends section 847 to require the examination, assessment, and reporting of covered contractor and subcontractor compliance; and procedures to respond to changes in covered contractor or subcontractor beneficial ownership status.	02/03/2021 DARC Director tasked Acquisition Technology & Information Team (DFARS) to draft proposed DFARS rule. Report due 03/17/2021. Report due date extended to 03/06/2024.
2021-D006	215.4, 234.2, 242, 245.1, 252	(S) Definition of Material Weakness	Implements section 806 of the NDAA for FY 2021 (Pub. L. 116-283), which provides a definition of material weakness for contractor business systems.	12/03/2021 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.

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2021-D005	227, 252	(S) Modular Open Systems Approaches	Implements section 804 of the NDAA for FY 2021 (Pub. L. 116-283), section 809 of the NDAA for FY 2017 (Pub. L. 114-328), and section 815 of the NDAA for FY 2012 (Pub. L. 112-81). Section 804 addresses rights in technical data for modular system interfaces developed exclusively at private expense or with mixed funding. Section 809, subsections (a), (b), and (d), addresses rights relating to items or processes developed exclusively at private expense.	11/17/2023 Published advance notice of proposed DFARS rulemaking in Federal Register (88 FR 80258). Public comment period ends 01/16/2024. Public comment period extended to 02/15/2024 (88 FR 89357).
2021-D002	212, 227, 252	Use of DoD Program Nomenclature	Implements policy to ensure the Department and its authorized suppliers are not restricted in the use of certain DoD program nomenclature, such as program names and assigned DoD systems designations that are assigned and approved by the Government pursuant to established departmental procedures.	01/30/2024 OIRA cleared proposed DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.
2020-D028	235, 252	Public Access to Results of Federally Funded Research	Implements policy requirements to address access to scientific articles or papers published in scientific journals and submission of a data management plan for research and development contracts, based on DoD recommendations to GAO Report GAO-20-81, "Federal Research. Additional Actions Needed to Improve Public Access to Research Results," dated November 2019.	01/24/2024 DARC received draft proposed DFARS rule from Construction, Services, and Research & Development Drafting Team. Discuss on 02/07/2024.
2020-D026	204, 212, 247, 252	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.	01/05/2024 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2020-D023	204, 252	(S) Limitation on Communications Systems Lacking Certain Resiliency Features	Implements section 68 of the NDAA for FY 2020 (Pub. L. 116-92). 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 02/21/2024.
2020-D021	212, 237, 252	(S) Transfer and Adoption of Military Animals	Implements section 372(f) of the NDAA for FY 2020 (Pub. L. 116-92), which requires a contract term for contract working dogs.	01/30/2024 OIRA cleared final DFARS rule. DARS Regulatory Control Officer preparing for publication, pending DoD ATP.

Open DFARS Cases as of February 02, 2024

Case Number	Part Number	Title	Synopsis	Status
2020-D015	222, 225	(S) Gross Violations of Internationally Recognized Human Rights	Implements section 888 of the NDAA for FY 2020 (Pub. L. 116-92), which requires an 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.	03/04/2020 Case on hold, pending resolution of issues with OSD (P).
2020-D013	242	(S) Incentives and Past Performance Evaluation for Contractor Qualified Training Program	Implements section 864 of the NDAA for FY 2020 (Pub. L. 116-92), which requires the development of 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.	02/05/2020 Case on hold, pending resolution of issues with OUSD (P&R).
2020-D011	212, 213, 223, 252	(S) Replacement of Fluorinated Aqueous Film-Forming Foam	Implements section 322 of the NDAA for FY 2020 (Pub. L. 116-92). 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.	01/31/2024 DARC received draft final DFARS rule from Acquisition Environmental and Contract Management Team-Environmental. Will discuss on 02/14/2024.
2019-D044	227	(S) Rights in Technical Data	Implements section 809(c) of the NDAA for FY 2017 (Pub. L. 114-328) and section 815(a) of the NDAA for FY 2012 (Pub. L. 112-81), which address deferred ordering of technical data.	11/17/2023 Published advance notice of proposed DFARS rulemaking in Federal Register (88 FR 80260). Public comment period ends 01/16/2024. Public comment period extended to 2/15/2024 (88 FR 89358).
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).	04/05/2023 DARC Director tasked Patents, Data, and Copyrights Team to review public comments, draft final DFARS rule. Report due 06/07/2023. Report due date extended to 03/13/2024.

Open DFARS Cases as of February 02, 2024

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	Assessing Contractor Implementation of Cybersecurity Requirements	Implements 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. (See DFARS case 2022-D017 for the NIST SP 800-171 DoD assessment requirements.)	01/17/2024 DARC agreed to draft proposed DFARS rule. Case manager processing.
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 ad hoc team to draft proposed DFARS rule. Report due 10/16/2019. Case transferred to the DFARS Acquisition Strategy Team 08/02/2023. Report due date extended to 02/14/2024.
2019-D034	202, 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.	02/01/2024 Case manager forwarded draft proposed rule to DARS Regulatory Control Officer. DARS Regulatory Control Officer reviewing.
2018-D074	12, 15, 3	(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 NDAA for 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 NDAA for 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>	11/17/2023 Published proposed DFARS rule in Federal Register (88 FR 80468). Public comment period ends 01/16/2024. Public comment period extended to 3/15/2024 (88 FR 89357).

Open DFARS Cases as of February 02, 2024

Case Number	Part Number	Title	Synopsis	Status
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 (Pub. L. 115-91) and section 867 of the NDAA for FY 2019 (Pub. L. 115-232). 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.	04/18/2023 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
2018-D064	239, 252	(S) Disclosure of Information Regarding Foreign Obligations	Implements Section 1655 of the NDAA for FY 2019 (Pub. L. 115-232), which requires certain offerors and contractors to disclose foreign obligations.	06/22/2023 DARC Director tasked Acquisition Technology Team to draft proposed DFARS rule. Report due 08/02/2023. Report due date extended to 02/28/2024.
2018-D055	215, 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.	09/13/2023 Case on hold, pending legislative proposal.
2017-D021	215, 234, 242, 245, 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.	06/02/2022 DARC agreed to draft proposed DFARS rule. Case manager processing.
2016-D021	252	Contractor Personnel Supporting U.S. Armed Forces Outside the United States	Updates DFARS clause 252.225-7040 and adds comparable clause for noncontingency situations.	10/07/2020 DARS Regulatory Control Officer identified issues with draft proposed rule to case manager. Case manager and DARS Regulatory Control Officer resolving issues.
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.	01/23/2024 Case closed into DFARS case 2024-D017.