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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE**32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****48 CFR Ch. II****Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions the Department of Defense (DOD) plans for the next 12 months and those completed since the fall 2019 agenda. It was developed under the guidelines of Executive Order 12866 "Regulatory Planning and Review," Executive Order 13771 "Reducing Regulation and Controlling Regulatory Costs," and Executive Order 13563 "Improving Regulation and Regulatory Review." This Agenda documents DOD's work under Executive Order 13777 "Enforcing the Regulatory Reform Agenda," and many regulatory actions support the recommendations of the DoD Regulatory Reform Task Force (as indicated in the individual rule abstracts). Members of the public may submit comments on individual proposed and interim final rulemakings at www.regulations.gov during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on November 20, 2019, and includes regulations expected to be issued and under review over the next 12 months. The next agenda will publish in the fall of 2020.

The complete Unified Agenda will be available online at www.reginfo.gov.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under

section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301-9010, or email: patricia.l.toppings.civ@mail.mil.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, or call 703-693-9958.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571-372-0489, or write to Office of the Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Advisory Committee Division, 9010 Defense Pentagon, Washington, DC 20301-9010, or email: morgan.e.park.civ@mail.mil.

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Hawes, telephone 571-372-6115, or write to Office of the Under Secretary of Defense for Acquisition and Sustainment, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060, or email: jennifer.l.hawes2.civ@mail.mil.

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 571-515-0206, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS-RDO, Building 1458, Suite NW6305, 9301 Chapek Road, Ft. Belvoir, VA 22060-5605, or email: brenda.s.bowen.civ@mail.mil.

For general information on the U.S. Army Corps of Engineers regulations, contact Ms. Stacey Jensen, telephone 703-695-6791, or write to Office of the

Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Room 3E441, Washington, DC 20310-0108, or email: stacey.m.jensen.civ@mail.mil.

For general information on Department of the Navy regulations, contact CDR Dominic Antenucci, telephone 703-614-7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374-5066, or email: dominic.antenucci@navy.mil.

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703-614-8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330-1800, or email: usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil.

For specific agenda items, contact the appropriate individual indicated for each regulatory action.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions reports on actions planned by the Office of the Secretary of Defense (OSD), the Military Departments, procurement-related actions, and actions planned by the U.S. Army Corps of Engineers.

This agenda also identifies rules impacted by the:

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

Generally, rules discussed in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: March 4, 2020.

Hon. Lisa W. Hershman,
Chief Management Officer.

DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
70	Covered Telecommunications Equipment or Services (DFARS Case 2018–D022)	0750–AJ84

DEFENSE ACQUISITION REGULATIONS COUNCIL—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
71	Prompt Payments of Small Business Subcontractors (DFARS Case 2018–D068)	0750–AK25
72	Nonmanufacturer Rule for 8(a) Participants (DFARS Case 2019–D004)	0750–AK39

DEPARTMENT OF THE NAVY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
73	Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General (Section 610 Review).	0703–AB19

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
74	Chiropractic and Acupuncture Treatment Under the TRICARE Program	0720–AB77

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Final Rule Stage

70. Covered Telecommunications Equipment or Services (DFARS CASE 2018–D022)

E.O. 13771 Designation: Other.
Legal Authority: 41 U.S.C. 1303; Pub. L. 115–91, sec. 1656

Abstract: DoD is finalizing an interim rule that amended the Defense Federal Acquisition Regulation Supplement to implement section 1656 of the National Defense Authorization Act for Fiscal Year 2018. 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 that 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. Covered telecommunications equipment or services means telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities; telecommunication services provided by such entities or using such equipment; or telecommunications equipment or services produced or provided by an

entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by, or otherwise connected to, the governments of China or Russia.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/19	84 FR 72231
Interim Final Rule Effective.	12/31/19	
Interim Final Rule Comment Period End.	03/02/20	
Final Action	06/00/20	
Final Action Effective.	06/00/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6115, *Email:* jennifer.l.hawes2.civ@mail.mil.

RIN: 0750–AJ84

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Completed Actions

71. Prompt Payments of Small Business Subcontractors (DFARS CASE 2018–D068)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 41 U.S.C. 1303; Pub. L. 115–232, sec. 852; 10 U.S.C. 2307

Abstract: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 852 of the National Defense Authorization Act for Fiscal Year 2019, which requires accelerated payment dates for small business prime contractors and prime contractors that subcontract with small business concerns. This rule will amend the DFARS to require accelerated payment dates with a goal of 15 days after receipt of a proper invoice, if a specific payment date is not established by contract. In addition, prime contractors that have subcontracts with small businesses must agree to make payments to their small business subcontractors in accordance with the accelerated payment date, to the maximum extent practicable, without any further consideration from, or fees charged to, the subcontractor.

Timetable:

Action	Date	FR Cite
NPRM	05/31/19	84 FR 25225
NPRM Comment Period End.	07/30/19	
Final Action	04/08/20	85 FR 19692
Final Action Effective.	04/08/20	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301-3060, *Phone:* 571 372-6115, *Email:* jennifer.l.hawes2.civ@mail.mil.
RIN: 0750-AK25

72. Nonmanufacturer Rule for 8(a) Participants (DFARS Case 2019-D004)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: Pub. L. 112-239, sec. 1651; 15 U.S.C. 657s

Abstract: DoD amended the Defense Federal Acquisition Regulation Supplement to implement the Small Business Administration's (SBA) final rule (see 81 FR 34243) for section 1651 of the National Defense Authorization Act for Fiscal Year (FY) 2013. Section 1651 revised the nonmanufacturer rule that applies to small business resellers, including participants in the Small Business Administration's 8(a) Business Development Program.

Timetable:

Action	Date	FR Cite
NPRM	04/01/19	84 FR 12187
NPRM Comment Period End.	05/31/19	
Final Action	10/31/19	84 FR 58334
Final Action Effective.	10/31/19	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Hawes, Defense Acquisition Regulations

System, Department of Defense, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301-3060, *Phone:* 571 372-6115, *Email:* jennifer.l.hawes2.civ@mail.mil.
RIN: 0750-AK39

DEPARTMENT OF DEFENSE (DOD)

Department of the Navy (NAVY)

Final Rule Stage

73. Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General (Section 610 Review)

E.O. 13771 Designation: Not subject to, not significant.

Legal Authority: 10 U.S.C. 806; 10 U.S.C. 806a; 10 U.S.C. 826; 10 U.S.C. 827; 10 U.S.C. 1044; . . .

Abstract: This action will amend a Department of the Navy rule last revised November 27, 2015 (80 FR 73991) to remove internal content and conform the language to the current Judge Advocate General Instruction 5803.1E of the same name, available at http://www.jag.navy.mil/library/instructions/JAGINST_5803-1E.pdf. This amendment supports a recommendation of the DoD Regulatory Reform Task Force.

Timetable:

Action	Date	FR Cite
Final Action	10/00/20	

Regulatory Flexibility Analysis Required: No.

Agency Contact: CDR Dominic Antenucci, Department of Defense, Department of the Navy, Office of the Judge Advocate General, Administrative Law (Code 13), Pentagon, Room 4D641, Washington, DC 20350-1000, *Phone:* 703 614-7408.

RIN: 0703-AB19

DEPARTMENT OF DEFENSE (DOD)

Office of Assistant Secretary for Health Affairs (DODOASHA)

Proposed Rule Stage

74. Chiropractic and Acupuncture Treatment Under the Tricare Program

E.O. 13771 Designation: Other.

Legal Authority: Not Yet Determined

Abstract: Under the current regulations, TRICARE excludes chiropractors as TRICARE-authorized providers whether or not their services would be eligible as medically necessary care if furnished by any other authorized provider. In addition, the current regulation excludes acupuncture treatment whether used as a therapeutic agent or as an anesthetic. This proposed rule seeks to eliminate these exclusions and to add benefit coverage of chiropractic and acupuncture treatment when deemed medically necessary for specific conditions. This proposed rule will add licensed Doctors of Chiropractic (DCs) and Licensed Acupuncturists (LACs) who meet established qualifications as TRICARE-authorized providers and will establish reimbursement rates and cost-sharing provisions for covered chiropractic and acupuncture treatment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/20	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Joy Mullane, Department of Defense, Office of Assistant Secretary for Health Affairs, 16401 E. Centretex Parkway, Aurora, CO 80011-9066, *Phone:* 303 676-3457, *Fax:* 303 676-3579, *Email:* joy.mullane.civ@mail.mil.
RIN: 0720-AB77

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