

death of an employee due to an employment related accident, casualty or disease. The common characteristic of such a plan or program is the provision of compensation regardless of fault, in accordance with a delineated schedule based upon loss or impairment of the worker's wage earning capacity, as well as indemnification or compensation for medical expenses relating to the employment related injury or disease. A workers' compensation program or plan includes any such program or plan:

(1) Operated by or under the authority of any law of any State (or the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands).

(2) Operated through an insurance arrangement or on a self-insured basis by an employer.

(3) Operated under the authority of the Federal Employees Compensation Act or the Longshoremen's and Harbor Workers' Compensation Act.

[57 FR 41103, Sept. 9, 1992. Redesignated and amended at 65 FR 7729, 7731, Feb. 16, 2000; 67 FR 57742, Sept. 12, 2002]

PART 221—DOD IDENTITY MANAGEMENT

Sec.	
221.1	Purpose.
221.2	Applicability.
221.3	Definitions.
221.4	Policy.
221.5	Responsibilities.
221.6	Procedures.

AUTHORITY: 10 U.S.C. 1044a.

SOURCE: 83 FR 59304, Nov. 23, 2018, unless otherwise noted.

§ 221.1 Purpose.

(a) The purpose of the overall part is to implement policy, assign responsibilities, and provide procedures for DoD personnel identification.

(b) This part establishes implementation guidelines for DoD Self-Service (DS) Logon Program.

§ 221.2 Applicability.

This part applies to:

(a) The Office of the Secretary of Defense, the Military Departments (including the Coast Guard at all times, including when it is a Service in the

Department of Homeland Security, by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this part as the "DoD Components").

(b) The Commissioned Corps of the U.S. Public Health Service (USPHS), under agreement with the Department of Health and Human Services, and the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce.

§ 221.3 Definitions.

Unless otherwise noted, the following terms and their definitions are for the purposes of this part:

Beneficiary. Individuals affiliated with the DoD and any of the uniformed Services identified in § 221.2 Applicability, that may be eligible for benefits or entitlements.

Certified copy. A copy of a document that is certified as a true original and:

(1) Conveys the appropriate seal or markings of the issuer;

(2) Has a means to validate the authenticity of the document by a reference or source number;

(3) Is a notarized legal document or other document approved by a judge advocate, member of any of the armed forces, or other eligible person in accordance with 10 U.S.C. 1044a; or

(4) Has the appropriate certificate of authentication by a U.S. Consular Officer in the foreign country of issuance which attests to the authenticity of the signature and seal.

DoD beneficiary (DB). Beneficiaries who qualify for DoD benefits or entitlements who may be credentialed in accordance with National Institute of Science and Technology Special Publication 800-63-2, "Electronic Authentication Guideline" (available at <http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-63-2.pdf>). This population may include widows, widowers, and eligible former spouses.

Dependent. An individual whose relationship to the sponsor leads to entitlement to benefits and privileges.

DS Logon credential. A username and password to allow Service members, beneficiaries, and other individuals affiliated with the DoD secure access to self-service websites.

DS Logon credential holder. A Service member, beneficiary, and other individual affiliated with the DoD who has applied for and received a DS Logon credential.

Former member. An individual who is eligible for, or entitled to, retired pay for non-regular service in accordance with 31 U.S.C. chapter 1223, but who has been discharged from the Service and who maintains no military affiliation.

Former spouse. An individual who was married to a uniformed services member for at least 20 years, and the member had at least 20 years of service creditable toward retirement, and the marriage overlapped as follows:

(1) Twenty years marriage, 20 years creditable service for retirement, and 20 years overlap between the marriage and the service (referred to as 20/20/20). The benefits eligibility begins on the date of divorce;

(2) Twenty years marriage, 20 years creditable service for retirement, and 15 years overlap between the marriage and the service (referred to as 20/20/15). The benefits eligibility begins on the date of divorce; or

(3) A spouse whose marriage was terminated from a uniformed Service member who has their eligibility to receive retired pay terminated as a result of misconduct based on Service-documented abuse of the spouse and has 10 years of marriage, 20 years of creditable service for retirement, 10 years of overlap between the marriage and the service (referred to as 10/20/10). The benefits eligibility begins on the date of divorce.

Legal guardian (LG). The terms “guardian” and “conservator” are used synonymously. Some States may limit the authority of a guardian to specific types of health care decisions; a court may also impose limitations on the health care decisions.

Surrogate. A person who has been delegated authority, either by an eligible individual who is at least 18 years of age and mentally competent to consent or by a court of competent jurisdiction

in the United States (or possession of the United States), to act on behalf of the eligible individual in a specific role.

Widow. The female spouse of a deceased member of the uniformed services.

Widower. The male spouse of a deceased member of the uniformed services.

§ 221.4 Policy.

In accordance with DoD Instruction 1000.25, “DoD Personnel Identity Protection (PIP) Program” (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/100025p.pdf>),

DoD Instruction 1341.02, “Defense Enrollment Eligibility Reporting System (DEERS) Procedures” (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134102p.pdf>), Office of Management and Budget M-04-04, “E-Authentication Guidance for Federal Agencies” (available at www.whitehouse.gov/sites/default/files/omb/memoranda/fy04/m04-04.pdf) and 32 CFR part 310, it is DoD policy that DoD will provide a secure means of authentication to PII and personal health information (PHI) for all beneficiaries and other individuals with a continuing affiliation with DoD.

§ 221.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) oversees implementation of the procedures within this part.

(b) Under the authority, direction, and control of the USD(P&R), and in addition to the responsibilities in paragraph (c) of this section, the Director, DoDHRA, through the Director, DMDC:

(1) Approves the addition or elimination of population categories for DS Logon eligibility.

(2) Develops and fields the required Defense Enrollment Eligibility Reporting System (DEERS) and RAPIDS infrastructure and all elements of field support required to support the management of the DS Logon credential including, but not limited to, issuance, storage, maintenance, and customer service.

(3) Obtains and distributes DS Logon credentials, and provides a secure means for delivery.

§ 221.6

32 CFR Ch. I (7–1–25 Edition)

(c) The DoD Component heads:

(1) Comply with this part and distribute this guidance to applicable stakeholders.

(2) Provide manpower for issuance of DS Logon credentials and instruction for use to all eligible individuals who are requesting a DS Logon credential in conjunction with the issuance of a DoD identification (ID) card or who are applying for a DS Logon credential as a surrogate, when responsible for a DoD ID card site(s).

(d) The Secretaries of the Military Departments, in addition to the responsibilities in paragraph (c) of this section, and the heads of the non-DoD uniformed services:

(1) Comply with this part and distribute this guidance to applicable stakeholders.

(2) Provide manpower for issuance of DS Logon credentials and instruction for use to all eligible individuals who are requesting a DS Logon credential in conjunction with the issuance of a DoD ID card or who are applying for a DS Logon credential as a surrogate.

(3) Ensure all Active Duty, National Guard and Reserve, and Commissioned Corps members of their uniformed services obtain a DS Logon credential when separating from active duty or from the uniformed service.

§ 221.6 Procedures.

(a) *General.* A DS Logon credential will be made available to all beneficiaries that are eligible for DoD-related benefits or entitlements to facilitate secure authentication to critical websites. This includes members of the uniformed services, veterans with a continuing affiliation to the DoD, spouses, dependent children aged 18 and over, and other eligible individuals identified in paragraph (b) of this section.

(b) *Overview.* Only one DS Logon credential may exist for an individual, regardless of the number of affiliations an individual may have to the DoD.

(1) *Eligibility.* Beneficiaries of DoD-related benefits or entitlements and other individuals with a continuing affiliation with the DoD may be eligible for a DS Logon credential. Eligible populations include:

(i) Veterans, including former members, retirees, Medal of Honor recipients, disabled American veterans, and other veterans with a continuing affiliation to the DoD.

(ii) Eligible retired DoD civilian employees in accordance with DoD Instruction 1330.17, “DoD Commissary Program” (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133017p.pdf>), and DoD Instruction 1330.21, “Armed Services Exchange Regulations” (available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133021p.pdf>).

(iii) Eligible dependents in accordance with Volume 2 of DoD Manual 1000.13, “DoD Identification (ID) Cards: Benefits for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals” (available at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/100013_vol2.pdf), including spouses, dependent children aged 18 or older, and dependent parents.

(iv) DBs, including eligible widows, widowers, and former spouses, in accordance with Volume 2 of DoD Manual 1000.13.

(v) Surrogates, as described in paragraph (d) of this section.

(vi) Other populations as determined by the Director, DMDC.

(2) [Reserved]

(c) *Lifecycle*—(1) *Application.* Eligible individuals, as identified in paragraph (b)(1) of this section, may apply for a DS Logon credential:

(i) *Online.* Individuals with internet access may apply for a sponsor or dependent DS Logon by submitting a:

(A) *My Access Center website request.* This type of request supports the provisioning of a Basic DS Logon credential. The My Access Center website can be accessed at <https://myaccess.dmdc.osd.mil/>.

(B) *CAC request.* Individuals with a CAC, a computer with internet access and a CAC reader may apply for either a sponsor or a dependent DS Logon credential via the My Access Center website or any application that has implemented DS Logon.

(I) A sponsor DS Logon credential is provisioned immediately upon request.

This type of request supports the provisioning of a Premium DS Logon credential.

(2) A request for a DS Logon credential on behalf of a dependent generates an activation letter with an activation code that is mailed to the sponsor at his or her home address in DEERS. Once complete, this type of request supports the provisioning of a Premium DS Logon credential.

(C) *Request using a Defense Finance and Accounting Services (DFAS) myPay account.* Eligible individuals may apply for a sponsor or dependent DS Logon credential using a DFAS myPay personal identification number via the My Access Center website. A request for a DS Logon credential generates an activation letter with an activation code that is mailed to the sponsor at his or her home address in DEERS. Once complete, this type of request supports the provisioning of a Premium DS Logon credential.

(ii) *Via remote proofing.* Eligible individuals with an existing DEERS record may apply for a sponsor or dependent DS Logon credential using remote proofing via the My Access Center website. Individuals requesting a DS Logon credential via remote proofing must correctly answer a number of system-generated questions. Once remote proofing is completed, a Premium DS Logon credential is provisioned immediately.

(iii) *Via in-person proofing.* Eligible individuals may apply for a sponsor or dependent DS Logon credential using in-person proofing. In-person proofing is performed at Department of Veterans Affairs regional offices where the DS access station application is implemented, and at DoD ID card sites when a DS Logon credential is requested either in conjunction with DoD ID card issuance or during initial enrollment of a surrogate. Once in-person proofing is completed, a Premium DS Logon credential is provisioned immediately. Individuals requesting a DS Logon credential via in-person proofing must present:

(A) *Identity documents.* DS Logon credential applicants must satisfy the identity verification criteria in paragraph 4a of Volume 1 of DoD Manual 1000.13, "DoD Identification (ID) Cards:

ID Card Life-Cycle" (available at http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/100013_vo11.pdf), by presenting two forms of government-issued ID, one of which must contain a photograph. The requirement for the primary ID to have a photo cannot be waived. Identity documents must be original or a certified copy. All documentation not in English must have a certified English translation.

(B) *Proof of address.* DS Logon credential applicants must present proof of address, if address on the presented ID is different than the address in DEERS.

(C) *DD Form 214, "Certificate of Release or Discharge from Active Duty."* DS Logon credential applicants must present a DD Form 214 if a veteran who was separated before 1982. If separated from the Reserve Component, a DS Logon credential applicant may present a Reserve Component separation document in lieu of a DD Form 214.

(2) *Use.* DS Logon credential holders may use their DS Logon credential at the My Access Center website and any other DoD self-service website that accepts DS Logon.

(3) *Maintenance.* DS Logon credential holders may use the My Access Center website to maintain and update their DS Logon credential and manage their personal settings. The DS Logon credential holder may:

- (i) Activate or deactivate an account.
- (ii) Reset password.
- (iii) Update challenge questions and answers.
- (iv) Upgrade from a Basic DS Logon to a Premium DS Logon credential.
- (v) Select or update preferred sponsor, if a dependent of two sponsors.
- (vi) Manage personal and advanced security settings.
- (vii) Manage contact information.
- (viii) Manage relationships and access granting.
- (ix) Manage the DS Logon credential using additional capabilities as implemented by the Director, DMDC.

(4) *Decommissioning.* DS Logon credentials may be decommissioned by the DS Logon credential holder, via self-service; by an operator, at the request of the DS Logon credential holder; or by the system, when the credential holder no longer has an affiliation

§ 221.6

32 CFR Ch. I (7–1–25 Edition)

to the DoD or is identified as deceased in DEERS.

(5) *Reactivation*. DS Logon credentials may be reactivated if the person is living and still eligible for the credential.

(d) *Associations*. DS Logon supports several types of associations, including DEERS-identified family relationships and operator-initiated and -approved surrogates.

(1) *Family*. Individuals are connected to one another based on their family relationship information in DEERS. A family relationship must exist in DEERS before the relationship can exist in DS Logon.

(i) *Multiple sponsors*. An individual has only one DS Logon credential, regardless of the number of sponsors the individual has (*e.g.*, a dependent child whose parents are both Service members).

(ii) *Transferring families*. If an individual has a second family in DEERS, the individual can move their DS Logon credential to the second family. This changes the assignment of the DS Logon credential from the first family to the second family and removes any granted permissions from the first family.

(2) *Surrogacy*. Surrogacy is a feature that allows an individual who may not be affiliated with the DoD and who may not be related to the DS Logon credential holder or eligible individual by a DoD-recognized family relationship to be granted access to a DS Logon credential holder's or an eligible individual's information. A surrogate may be established as the custodian of a deceased Service member's unmarried minor child(ren) who is under 18, who is at least 18 but under 23 and attending school full-time, or who is incapacitated. A surrogate may also be established as the agent of an incapacitated dependent (*e.g.*, spouse, parent) or of a wounded, ill, or incapacitated Service member.

(i) *Eligibility*. An operator must first establish an identity in DEERS before establishing the surrogacy association in DS Logon. To establish a surrogate association, the surrogate must present to an operator for approval:

(A) A completed and signed DD Form 3005, "Application for Surrogate Asso-

ciation for DoD Self-Service (DS) Logon."

(B) Any additional eligibility documents required by the DD Form 3005 which describe the scope of the surrogate's authority.

(C) Proof of identity, in accordance with the requirements for in-person proofing in paragraph (c)(1)(iii) of this section.

(ii) *Types of surrogates*—(A) *Financial agent (FA)*. An eligible individual names an FA to assist with specific financial matters.

(B) *Legal agent (LA)*. An eligible individual names an LA to assist with legal matters.

(C) *Caregiver (CG)*. An eligible individual names a CG to assist with general health care requirements (example, viewing general health-care related information, scheduling appointments, refilling prescriptions, and tracking medical expenses), but does not make health care decisions.

(D) *Health care agent (HA)*. An eligible individual (the patient) names an HA in a durable power of attorney for health care documents to make health care decisions.

(E) *Legal guardian (LG)*. An LG is appointed by a court of competent jurisdiction in the United States (or jurisdiction of the United States) to make legal decisions for an eligible individual.

(F) *Special guardian (SG)*. An SG is appointed by a court of competent jurisdiction in the United States (or jurisdiction of the United States) for the specific purpose of making health care-related decisions for an eligible individual.

(e) *Permissions*. A sponsor, a sponsor's spouse, and a sponsor's dependent over the age of 18 can manage who has access to their information (*i.e.*, who has access to view and edit their information and who is eligible to act on their behalf). The provisions of this section may be superseded by order of a court of competent jurisdiction.

(1) *Sponsor access*. Sponsors will automatically have access to the information of all dependents under the age of 18.

(2) *Spousal access*—(i) *Automatic*. A sponsor's spouse will automatically have access to the information of all

dependent children under the age of 18 whose relationship to the sponsor began on or after the date of marriage of the sponsor and sponsor's spouse.

(ii) *Sponsor-granted.* The sponsor may grant the sponsor's spouse access to the information of dependent children under the age of 18 whose relationship to the sponsor began before the date of marriage of the sponsor and the sponsor's spouse.

(3) *Granted access.* A sponsor, a sponsor's spouse, and a sponsor's dependent over the age of 18 may grant access to their information via the My Access Center website in accordance with paragraph (c)(3) of this section. Surrogate access to the information of a sponsor, a sponsor's spouse, and a sponsor's dependent (regardless of age) must be granted via in-person proofing, including the submission of eligibility documents to an operator for approval in accordance with paragraph (d)(2) of this section.

(i) *Access granting by a sponsor.* Sponsors may grant their spouse access to the sponsor's information and the information of any sponsor's dependents under the age of 18. Access to the sponsor's information and the information of any sponsor's dependents under the age of 18 may not be granted to any other sponsor's dependent, unless that dependent has been identified as a surrogate.

(ii) *Access granting by a spouse.* Spouses may grant the sponsor access to the spouse's information. Access to the spouse's information may not be granted to any other sponsor's dependent, unless that sponsor's dependent has been identified as a surrogate.

(iii) *Access granting by a dependent over 18.* A sponsor's dependent over the age of 18 may grant the sponsor and the sponsor's spouse access to the dependent's information. Access to the information of a sponsor's dependent over the age of 18 may not be granted to any other sponsor's dependent, unless that sponsor's dependent has been identified as a surrogate.

PART 222—DOD MANDATORY DECLASSIFICATION REVIEW (MDR) PROGRAM

Sec.

- 222.1 Purpose.
- 222.2 Applicability.
- 222.3 Definitions.
- 222.4 Responsibilities.
- 222.5 MDR processing procedures.

APPENDIX A TO PART 222—ADDRESSING MDR REQUESTS.

AUTHORITY: 5 U.S.C. 552.

SOURCE: 76 FR 80745, Dec. 27, 2011, unless otherwise noted.

§ 222.1 Purpose.

This part implements policy established in DoD Instruction 5200.01. It assigns responsibilities and provides procedures for members of the public to request a declassification review of information classified under the provisions of Executive Order 13526, or predecessor orders.

§ 222.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (hereafter referred to collectively as the "DoD Components").

§ 222.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part.

Foreign Government Information (FGI). Defined in DoD 5200.1-R (available at <http://www.dtic.mil/whs/directives/correspdf/520001r.pdf>).

Formal Control System. A system designed to ensure DoD Component accountability and compliance. For each MDR request, the system shall contain, at a minimum, a unique tracking number, requester's name and organizational affiliation, information requested, date of receipt, and date of closure.

Formerly Restricted Data. Defined in DoD 5200.1-R.