

Sections Removed From Repeal Package #2 Per DoD Comments

	A	B	C	D	E
1	10 USC Section	Source Cite	Title	Description	DoD Comments
2	2304 note	FY08 NDAA, P.L. 110-181, §885 Jan 28, 2008	Telephone Services for Military Personnel Serving in Combat Zones	Enacted in January 2008 – required SecDef to use competitive procedures for procuring telephone services for MWR purposes; applies to all contracts after 2008	Do not delete: ongoing requirement
3	2304 note	FY08 NDAA, P.L. 110-181, §892 Jan 28, 2008	Competition for Procurement of Small Arms Supplied to Iraq and Afghanistan	Enacted in January 2008 – required SecDef to ensure that full and open competition is used for the purchase of small arms in Iraq and Afghanistan	Do not delete: ongoing requirement
4	2306a note	FY16 NDAA P.L. 114-92, §851, Nov 25, 2015	Definition on Commercial Items	Enacted in Nov 2015 – general statement that the contracting officer is not precluded from requiring contractor to supply information on price reasonableness	Keep: Interpretative guidance with regard to a section that is still "live."
5	2307 note	FASA, P.L. 103-355, §2001(h), Oct 13, 1994	Contract Financing: Relationship of 1994 Amendment to Prompt Payment Requirements	Enacted in Oct 1994 – general statement that amendments by this Act [FASA] do not impair or modify provisions of ch 39 of title 31 (the Prompt Paymet Act)	Keep: Interpretative guidance with regard to a section that is still "live."
6	2324 note	P.L. 114-261, §1(c), 12/14/2016	Inclusion of Contract Clause in Contracts Awarded before Effective Date	Enacted in Dec 2016 – required contract clause to be added on contractor employee whistleblower protections upon modification of contract awarded before date of enactment [12/14/16]	Keep. It may be possible that we're still having to modify covered contracts.
7	2375 note	FASA, P.L. 103-355, §8304, Oct 13, 1994	Provisions Not Affected by Title VIII of P.L. 103-355	Enacted in Oct 1994 – related to FASA, Brooks Act, Javits-Wagner-O'Day, and Section 8 of SBA Act	Keep. Interpretative guidance WRT still "live' section.

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8	2377 note	FY09 NDAA P.L. 110-417, §803, Oct. 14, 2008	Commercial Software Reuse Preference	Enacted in October 2008 – required SecDef to ensure that Cos at all stages of procurement process identify opportunities for use of commercial & other non-developmental computer software; required report to congressional defense committees (in 270 days)	Subparagraph (a) is unique to software and an ongoing obligation. Do not delete merely because it is thought to be stale.
9	2401a note	P.L. 107-314, §133, Dec 2, 2002	Lease for Tanker Aircraft Under Multiyear Aircraft-Lease Pilot Program	Enacted in Dec 2002 – prohibited lease for tanker aircraft (under appropriations act) until Sec AF submitted a report, and either authorization of funds for new start or reprogramming are provided	Appropriations language applies to "any future funds" as well. So don't delete under the premise it is stale/OBE.
10	2401a note	1. 2. DoD Approps Act, 2002, §8159, P.L. 107-117, Jan 10, 2002 3. P.L. 107-206, §308, Aug 2, 2002	Multi-Year Aircraft Lease Pilot Program	2. Enacted in Jan 2002 – established 10 year pilot program for leasing general purpose Boeing 767 and commercial Boeing 737; prohibition on leasing of tanker aircraft under pilot program was repealed; required submission of report to congressional defense committees before commencement of program (and one year after)	OK to delete #1. Keep #2. .
11	2451 note	FY99 NDAA, P.L. 105-261, §332, Oct 17, 1998	Defense Wide Electronic Mall for Supply Purchases	Enacted in Oct 1998 – required DOD Joint Electronic Program Office to develop single defense-wide electronic mall system for displaying, ordering & purchasing supplies from DOD and private sector sources; DLA given responsibility to maintain the system	Keep: Stuff in (b) and (c) still ongoing.

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12	2461 note	1. FY10 NDAA P.L. 111-84, §1082, Oct 28, 2009 2. FY08 NDAA, P.L. 110-181, §1081, Jan 28, 2008	Pilot Program for Commercial Fee-for-Service Air Refueling Support	Enacted in Oct 2009 – authorized Sec AirForce to enter into multiyear contracts (beginning in 2011) for commercial fee-for service refueling tanker aircraft as required by P.L. 110-181 (unless SecDef submits notification to congressional defense committees that it's not in national security interest); required annual report to congressional defense committees	Keep: Still ongoing.
13	2532 note	FY89 NDAA, P.L. 100-456, §825(a), Sept 29, 1988	Contractual offset arrangements; congressional statement of findings	Enacted in Sept 1988 – general statement of findings about offset arrangements and impact on domestic defense industry markets	Keep: would cause "harm" to the Government
14	2532 note	FY89 NDAA, PL.100-456, §825(c), Sept 29, 1988	Negotiations with Countries Requiring Offset Arrangements	Enacted in Sept 1988 – allowed President to negotiate with countries requiring offset arrangements, while limiting adverse impact on defense industrial base of each country; agreements should be achieved within 2 years after 1988	Keep: would cause "harm" to the Government