

debaring and suspending official may initiate a review or investigation, as appropriate, by reporting the referral to the appropriate Government entity, e.g., contracting activity, inspector general, or criminal investigative agency.

(b) *Decisionmaking process.*

(i) The agency debaring and suspending official may initiate the suspension process by issuing a notice of suspension in accordance with FAR 9.407-3(c) when the debaring and suspending official finds that the administrative record contains sufficient evidence of one or more of the causes for suspension stated in FAR 9.407-2.

(A) The absence of a referral in accordance with paragraph (a)(i) of this subsection, or the absence of any information specified in the report format at 209.406-3(a)(ii), will not preclude the debaring and suspending official from making such a finding.

(B) The signature of the debaring and suspending official on the notice of suspension is sufficient evidence that the debaring and suspending official has made such a finding.

(ii) In deciding whether to terminate a suspension following a submission of matters in opposition, the agency debaring and suspending official must use the decisionmaking process stated in FAR 9.407-3(b), DFARS Appendix H, and any agency-specific procedures that were provided to the contractor in advance of the decision.

(d) *Suspending officials' decision.*

The absence of a referral in accordance with paragraph (a)(i) of this subsection, or the absence of any information specified in the report format at 209.406-3(a)(ii), will not preclude the debaring and suspending official from making a decision.

PART 225—FOREIGN ACQUISITION

10. Section 225.206 is added to read as follows:

225.206 Noncompliance.

(c)(4) Prepare any report of noncompliance in accordance with the procedures at 209.406-3 or 209.407-3.

PART 249—TERMINATION OF CONTRACTS

11. Section 249.106 is added to read as follows:

249.106 Fraud or other criminal conduct.

If the TCO suspects fraud or other criminal conduct, the TCO must report the facts in accordance with the procedures at 209.406-3 or 209.407-3.

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DEPARTMENT OF DEFENSE

48 CFR Part 219

[DFARS Case 99-D304]

Defense Federal Acquisition Regulation Supplement; Subcontracting Goals for Purchases Benefiting People Who Are Blind or Severely Disabled

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 807 of the National Defense Authorization Act for Fiscal Year 2000. Section 807 makes permanent the authority for contractors to credit their purchases from nonprofit agencies for the blind or severely disabled toward their small business subcontracting goals.

EFFECTIVE DATE: November 18, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0326; telefax (703) 602-0350. Please cite DFARS Case 99-D304.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 219.703 to implement Section 807 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65). Section 807 amends 10 U.S.C. 2410d, which provides that contractors may credit their purchases from qualified nonprofit agencies for the blind or severely disabled toward their small business subcontracting goals. 10 U.S.C. 2410d previously contained a termination date of September 30, 1999. Section 807 repeals this termination date.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 99-D304.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 219

Government procurement.

Michel P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 219 is amended as follows:

1. The authority citation for 48 CFR Part 219 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 219—SMALL BUSINESS PROGRAMS

219.703 [Amended]

2. Section 219.703 is amended as follows:

a. In paragraph (a) introductory text, in the last sentence, by removing the phrase "through fiscal year 1999"; and

b. In paragraph (a)(2)(B) by removing the words "Small Business and Small Disadvantaged" and adding in their place the words, "Small, Small Disadvantaged and Women-Owned Small".

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DEPARTMENT OF DEFENSE

48 CFR Part 219

[DFARS Case 99-D306]

Defense Federal Acquisition Regulation Supplement; Comprehensive Small Business Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 817 of the National Defense Authorization Act for Fiscal Year 2000. Section 817 provides for a 5-year extension of the DoD test program for negotiation of comprehensive small business subcontracting plans.

EFFECTIVE DATE: November 18, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, PDUSD(AT&L)DP(DAR), IMD 3D139,