



Federal Register

Wednesday,
July 1, 2009

Part IV

Department of Defense General Services Administration National Aeronautics and Space Administration

48 CFR Chapter 1, Parts 2, 4, et al.
Federal Acquisition Regulation; Federal
Acquisition Circular 2005-34;
Introduction; FAR Cases 2006-022, 2008-
009, 2008-028; Federal Acquisition
Regulation; Federal Acquisition Circular
2005-32; Small Entity Compliance Guide;
Final Rules

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket FAR 2009-0001, Sequence 5]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005-34;
Introduction**

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),

and National Aeronautics and Space
Administration (NASA).

ACTION: Summary presentation of rules.

SUMMARY: This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council in this Federal Acquisition
Circular (FAC) 2005-34. A companion
document, the Small Entity Compliance
Guide (SECG), follows this FAC. The
FAC, including the SECG, is available
via the Internet at [http://
www.regulations.gov](http://www.regulations.gov).

DATES: For effective dates and comment
dates, see separate documents, which
follow.

FOR FURTHER INFORMATION CONTACT: The
analyst whose name appears in the table
below in relation to each FAR case.
Please cite FAC 2005-34 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the FAR
Secretariat at (202) 501-4755.

LIST OF RULES IN FAC 2005-34

Item	Subject	FAR case	Analyst
I	Contractor Performance Information	2006-022	Parnell.
II	Prohibition on Contracting with Inverted Domestic Corporations (Interim)	2008-009	Murphy.
III	Role of Interagency Committee on Debarment and Suspension	2008-028	Loeb.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments to these FAR cases, refer to
the specific item number and subject set
forth in the documents following these
item summaries.

FAC 2005-34 amends the FAR as
specified below:

**Item I—Contractor Performance
Information (FAR Case 2006-022)**

This final rule amends the FAR to
revise the contractor performance
information process. The FAR revisions
include changes to FAR Parts 2, 8, 9, 13,
17, 36, 42, and 53. The purpose of this
final rule is to ensure that the FAR
clearly reflects the use of the
Governmentwide performance
information repository, Past
Performance Information Retrieval
System (PPIRS) at <http://www.ppirs.gov>;
requires the evaluation of past
performance for orders exceeding the
simplified acquisition threshold placed
against Federal Supply Schedule
contracts, or under a task order or
delivery order against a contract
awarded by another Federal agency (*i.e.*
Governmentwide acquisition contract or
multi-agency contract); recommends
past performance information for orders
under single agency contracts;
consolidates the collection of past
performance guidance in Part 42; and,
clarifies that the Agency shall identify
those responsible for preparing interim
and final evaluations.

**Item II—Prohibition on Contracting
with Inverted Domestic Corporations
(FAR Case 2008-009) (Interim)**

This interim rule implements Section
743 of Division D of the Omnibus
Appropriations Act, 2009 (Public Law
111-8), which prohibits the award of
contracts using appropriated funds to
any foreign incorporated entity that is
treated as an inverted domestic
corporation or to any subsidiary of one.
The interim rule addresses solicitations
issued after the date of publication
using funds appropriated in Fiscal Years
2006, 2007, and 2008, as well.

**Item III—Role of Interagency
Committee on Debarment and
Suspension (FAR Case 2008-028)**

This final rule amends Federal
Acquisition Regulation Subpart 9.4 to
clarify the role of the Interagency
Committee on Debarment and
Suspension when more than one agency
has an interest in the debarment or
suspension of a contractor. Among other
responsibilities, the Interagency
Committee on Debarment and
Suspension is authorized to resolve
issues regarding the agency that will
have lead responsibility in initiating a
suspension or debarment proceeding.
The Committee will also coordinate
actions among interested agencies with
respect to such action. This rule
implements the Duncan Hunter
National Defense Authorization Act for
Fiscal Year 2009, Section 873(a)(1) and
(2).

Dated: June 25, 2009.

Al Matera,

Director, Office of Acquisition Policy.

Federal Acquisition Circular

Federal Acquisition Circular (FAC)
2005-34 is issued under the authority of
the Secretary of Defense, the
Administrator of General Services, and
the Administrator for the National
Aeronautics and Space Administration.

Unless otherwise specified, all
Federal Acquisition Regulation (FAR)
and other directive material contained
in FAC 2005-34 is effective July 1, 2009
except for Item III, which is effective
July 31, 2009.

Dated: June 20, 2009.

Shay D. Assad,

*Director of Defense Procurement and
Acquisition Policy.*

Dated: June 23, 2009.

Rodney P. Lantier,

*Acting Senior Procurement Executive, Office
of the Chief Acquisition Officer, U.S. General
Services Administration.*

Dated: June 24, 2009.

William P. McNally,

*Assistant Administrator for Procurement,
National Aeronautics and Space
Administration.*

[FR Doc. E9-15437 Filed 6-30-09; 8:45 am]

BILLING CODE 6820-EP-S