

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

[Docket FAR 2010-0076, Sequence 10]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005-48;
Introduction**

AGENCY: 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 DOD, GSA, and
NASA in this Federal Acquisition
Circular (FAC) 2005-48. 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 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 2005-48 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at (202) 501-
4755.

LIST OF RULES IN FAC 2005-48

Item	Subject	FAR Case	Analyst
I	Repeal of the Small Business Competitiveness Demonstration Program	2011-005	Morgan.
II	Personal Identity Verification of Contractor Personnel	2009-027	Jackson.
III	Terminating Contracts	2009-031	Parnell.
IV	Payrolls and Basic Records	2009-018	McFadden.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR cases,
refer to the specific item number and
subject set forth in the documents
following these item summaries. FAC
2005-48 amends the FAR as specified
below:

**Item I—Repeal of the Small Business
Competitiveness Demonstration
Program (FAR Case 2011-005)**

This final rule amends the FAR to
remove FAR subpart 19.10, Small
Business Competitiveness
Demonstration Program. This change is
necessary to address the requirements of
section 1335 of the Small Business Jobs
Act of 2010 (Pub. L. 111-240) which
repealed the Small Business
Competitiveness Demonstration
Program.

This final rule also removes the
following clauses: FAR 52.219-19,
Small Business Concern Representation
for the Small Business Competitiveness
Demonstration Program; FAR 52.219-
20, Notice of Emerging Small Business
Set-Aside; and FAR 52.219-21, Small
Business Size Representation for
Targeted Industry Categories under the
Small Business Competitiveness
Demonstration Program.

**Item II—Personal Identity Verification
of Contractor Personnel (FAR Case
2009-027)**

This final rule amends the FAR to
provide additional regulatory coverage
in subpart 4.13 and in FAR clause

52.204-9 to reinforce the requirement of
collecting from contractors all forms of
Government-provided identification
once they are no longer needed to
support a contract. The contracting
officer may delay final payment under
a contract if the contractor fails to
comply with these requirements.

**Item III— Terminating Contracts (FAR
Case 2009-031)**

This final rule amends the FAR to
clarify procedures regarding the
applicability of FAR part 49,
Termination of Contracts, to commercial
item contracts. Minor changes are made
to the proposed rule published in the
Federal Register at 75 FR 28228 on May
20, 2010.

The rule specifically impacts
contracting officers and contractors by
clarifying that FAR part 49 does not
apply to the acquisition of commercial
items when using procedures at FAR
part 12. The rule does not have a
significant economic impact on small
entities because the rule does not
impose any additional requirements on
small businesses.

**Item IV— Payrolls and Basic Records
(FAR Case 2009-018)**

This rule adopts as final, with a minor
change, the interim rule published in
the **Federal Register** at 75 FR 34286 on
June 16, 2010. The interim rule
amended the FAR at 52.222-8, Payrolls
and Basic Records to delete the
requirement for submission of full social
security numbers and home addresses of
individual workers on weekly payroll

transmittals by prime contractors. The
rule requires contractors and
subcontractors to maintain the full
social security number and current
address of each covered worker, and
provide them upon request to the
contracting officer, the contractor, or the
Wage and Hour Division of the
Department of Labor for purposes of an
investigation or audit of compliance
with prevailing wage requirements. The
rule recognizes the Department of
Labor's finding that complete social
security numbers and home addresses
for individual workers are personal
information to the worker and that any
unnecessary disclosure and submittal of
such information creates an exposure to
identity theft and the invasion of
privacy for workers.

Dated: December 22, 2010.
Millisa Gary,
*Acting Director, Federal Acquisition Policy
Division.*

Federal Acquisition Circular

Federal Acquisition Circular (FAC)
2005-48 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 2005-48 is effective December
30, 2010, except for Items I, II, and III
which are effective January 31, 2011.

Dated: December 22, 2010.

Shay D. Assad,

Director, Defense Procurement and Acquisition Policy.

Dated: December 22, 2010.

Joseph A. Neurauter,

Deputy Associate Administrator and Senior Procurement Executive, Office of General Services Acquisition Policy, Integrity, and Workforce, U.S. General Services Administration.

Dated: December 21, 2010.

Sheryl J. Goddard,

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

[FR Doc. 2010-32901 Filed 12-29-10; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 4, 12, 19, 22, 52, and 53

[FAC 2005-48; FAR Case 2011-005; Item I; Docket 2010-0112, Sequence 1]

RIN 9000-AL87

Federal Acquisition Regulation; Repeal of the Small Business Competitiveness Demonstration Program

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to remove FAR coverage of the Small Business Competitiveness Demonstration Program, to meet the requirements of section 1335 of the Small Business Jobs Act of 2010.

DATES: *Effective Date:* January 31, 2011.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Karlos Morgan, Procurement Analyst, at (202) 501-2364. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAC 2005-48, FAR Case 2011-005.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule amends the FAR to delete subpart 19.10 to meet the requirements of section 1335 of the Small Business Jobs Act of 2010 (Pub.

L. 111-240), referred to as the Act. Section 1335 of the Act amended the Business Opportunity Development Reform Act of 1988 (Pub. L. 100-656) by striking Title VII (15 U.S.C. 644 note), the Small Business Competitiveness Demonstration Program. In accordance with the Act, the repeal of the Small Business Competitiveness Demonstration Program became immediately effective upon the enactment of the Act and it will apply to the first full fiscal year after the September 27, 2010, date of enactment. This change will remove the policy, procedures, provisions, clauses, and the information collection and recordkeeping requirements associated with the Small Business Competitiveness Demonstration Program, and will update forms deleting any references to the program.

II. Executive Order 12866

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501-3(a) and 41 U.S.C. 418b, and publication for public comments is not required.

IV. Paperwork Reduction Act

The final rule removes the information collection requirements associated with the Small Business Competitiveness Demonstration Program under OMB Clearance 9000-0100, and does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. chapter 35.

List of Subjects in 48 CFR Parts 1, 4, 12, 19, 22, 52, and 53

Government procurement.

Dated: December 22, 2010.

Millisa Gary,

Acting Director, Federal Acquisition Policy Division.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 4, 12, 19, 22, 52, and 53 as set forth below:

■ 1. The authority citation for 48 CFR parts 1, 4, 12, 19, 22, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.106 [Amended]

■ 2. Amend section 1.106, in the table following the introductory paragraph, by removing FAR segments 52.219-19, 52.219-20, and 52.219-21, and their corresponding OMB Control Number 9000-0100.

PART 4—ADMINISTRATIVE MATTERS

■ 3. Amend section 4.603 by revising paragraph (b) to read as follows:

4.603 Policy.

* * * * *

(b) Executive agencies shall use FPDS to maintain publicly available information about all contract actions exceeding the micro-purchase threshold, and any modifications to those actions that change previously reported contract action report data, regardless of dollar value.

* * * * *

4.606 [Amended]

■ 4. Amend section 4.606 by removing paragraph (a)(2); and redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(2) and (a)(3), respectively.

4.1202 [Amended]

■ 5. Amend section 4.1202 by removing paragraphs (k) and (l); and redesignating paragraphs (m) through (ee) as paragraphs (k) through (cc), respectively.

PART 12—ACQUISITION OF COMMERCIAL ITEMS

12.303 [Amended]

■ 6. Amend section 12.303 by removing from the end of paragraph (b)(1) “, or if set aside for emerging small businesses”.

12.603 [Amended]

■ 7. Amend section 12.603 by removing the second sentence of paragraph (c)(2)(iv).

PART 19—SMALL BUSINESS PROGRAMS

19.304 [Amended]

■ 8. Amend section 19.304 by removing from the first sentence in the introductory text in paragraph (c) “52.212-3(c)(9)” and adding “52.212-3(c)(8)” in its place.

■ 9. Amend section 19.502-2 by revising the last sentence in paragraph (a); and by removing paragraph (d).

The revised text reads as follows: