



# Federal Register

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Wednesday,  
July 1, 2009

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## Part IV

### Department of Defense General Services Administration National Aeronautics and Space Administration

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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>.

**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.*

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