

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket No. FAR 2016–0051, Sequence No. 8]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–94;
Introduction****AGENCY:** Department of Defense (DoD),
General Services Administration (GSA),and National Aeronautics and Space
Administration (NASA).**ACTION:** Summary presentation of final
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 (Councils) in this Federal
Acquisition Circular (FAC) 2005–94. 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 the
separate documents, which follow.**FOR FURTHER INFORMATION CONTACT:** The
analyst whose name appears in the table
below in relation to the FAR case.
Please cite FAC 2005–94 and the
specific FAR case number. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat Division at 202–
501–4755.**RULES LISTED IN FAC 2005–94**

Item	Subject	FAR Case	Analyst
I	Privacy Training	2010–013	Gray.
II	Payment of Subcontractors	2014–004	Glover.

SUPPLEMENTARY INFORMATION:Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these rules, refer
to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–94 amends the FAR as follows:**Item I—Privacy Training (FAR Case
2010–013)**This final rule amends the Federal
Acquisition Regulation to clarify the
training requirements for contractors
whose employees will have access to a
system of records on individuals or
handle personally identifiable
information. These training
requirements are consistent with the
Privacy Act of 1974, 5 U.S.C. 552a, and
OMB Circular A–130, Managing Federal
Information as a Strategic Resource.
Prime contractors are required to flow
down these requirements to all
applicable subcontracts.**Item II—Payment of Subcontractors
(FAR Case 2014–004)**This final rule amends the Federal
Acquisition Regulation (FAR) to
implement section 1334 of the Small
Business Jobs Act of 2010 and the Small
Business Administration's (SBA) final
rule, published July 16, 2013. If a
contract requires a subcontracting plan,
the prime contractor must notify the
contracting officer in writing if the
prime contractor pays a reduced
payment to a small business
subcontractor, or an untimely payment
if the payment to a small business
subcontractor is more than 90 days pastdue for supplies or services for which
the Government has paid the contractor.
The contractor is also to include the
reason for the reduction in payment or
failure to pay. A contracting officer will
then use his or her best judgment in
determining whether the reduced or
untimely payments were justified. The
contracting officer must record the
identity of a prime contractor with a
history of three or more unjustified
reduced or untimely payments to
subcontractors within a 12-month
period under a single contract, in the
Federal Awardee Performance and
Integrity Information System (FAPIIS).
This regulation will benefit small
business subcontractors by encouraging
large business prime contractors to pay
small businesssubcontractors in a timely manner
and at the agreed upon contractual
price.

Dated: December 9, 2016.

William F. Clark,*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*Federal Acquisition Circular (FAC)
2005–94 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 2005–94 is effective December
20, 2016 except for items I, and II,
which are effective January 19, 2017.

Dated: December 9, 2016.

Claire M. Grady,
*Director, Defense Procurement and
Acquisition Policy.*

Dated: December 8, 2016.

Jeffrey A. Koses,
*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

Dated: December 8, 2016.

William P. McNally,
*Assistant Administrator, Office of
Procurement, National Aeronautics and
Space Administration.*

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ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR parts 1, 24, and 52**[FAC 2005–94; FAR Case 2010–013; Item
I; Docket No. 2010–0013; Sequence No. 1]**RIN 9000–AM06****Federal Acquisition Regulation;
Privacy Training****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
require that contractors, whose