Part 32 of the FAR and the clause at

FAR 52.232-5, Payments Under Fixed-

construction contracts certify, for every

payments received under the contract

and timely payments will be made from

the proceeds of the payment covered by

the certification, and that this payment

withhold from a subcontractor/supplier.

Construction Contracts, further require

request does not include any amount

Part 32 of the FAR and the clause at

which the contractor intends to

52.232-27, Prompt Payment for

Price Construction Contracts, require

that contractors under fixed-price

progress payment request, that payments to subcontractors/suppliers

have been made from previous

SUPPLEMENTARY INFORMATION:

A. Purpose

#### DEPARTMENT OF DEFENSE

# **GENERAL SERVICES** ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0102]

## Federal Acquisition Regulation; Submission for OMB Review; Prompt Payment

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

comments regarding a reinstatement to

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a reinstatement to a previously approved information collection requirement concerning prompt payment. A notice for public comments published in the Federal Register at 74 FR 30090, on June 24, 2009.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before December 2, 2009.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the General Services Administration, Regulatory Secretariat (MVPR), 1800 F Street, NW., Room 4041, Washington, DC 20405. Please cite OMB Control No. 9000-0102, Prompt Payment, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Edward Chambers, Procurement Analyst, Contract Policy Branch, GSA (202) 501-3221 or e-mail Edward.chambers@gsa.gov.

**ACTION:** Notice of request for public an existing OMB clearance.

> that contractors on construction contracts-(a) Notify subcontractors/suppliers of any amounts to be withheld and furnish a copy of the notification to the contracting officer; (b) Pay interest to subcontractors/ suppliers if payment is not made by 7 days after receipt of payment from the Government, or within 7 days after correction of previously identified

> > deficiencies; (c) Pav interest to the Government if amounts are withheld from subcontractors/suppliers after the Government has paid the contractor the amounts subsequently withheld, or if the Government has inadvertently paid the contractor for nonconforming performance; and

(d) Include a payment clause in each subcontract which obligates the contractor to pay the subcontractor for satisfactory performance under its subcontract not later than 7 days after such amounts are paid to the contractor, include an interest penalty clause which obligates the contractor to pay the subcontractor an interest penalty if payments are not made in a timely manner, and include a clause requiring each subcontractor to include these clauses in each of its subcontractors and to require each of its subcontractors to include similar clauses in their subcontracts.

These requirements are imposed by Public Law 100-496, the Prompt Payment Act Amendments of 1988.

Contracting officers will be notified if the contractor withholds amounts from subcontractors/suppliers after the Government has already paid the contractor the amounts withheld. The contracting officer must then charge the contractor interest on the amounts withheld from subcontractors/suppliers. Federal agencies could not comply with

the requirements of the law if this information were not collected.

#### **B.** Annual Reporting Burden

Respondents: 36,666. Responses per Respondent: 11. Total Responses: 403,326. Hours per Response: .11. Total Burden Hours: 44,366.

#### C. Annual Recordkeeping Burden

Recordkeepers: 33,333. Hours per Recordkeeper: 18. Total Recordkeeping Burden Hours: 599,994.

**Obtaining Copies Of Proposals:** Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVPR), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0102, Prompt Payment, in all correspondence.

Dated: October 23, 2009.

#### Al Matera,

Director, Acquisition Policy Division. [FR Doc. E9-26352 Filed 10-30-09; 8:45 am] BILLING CODE 6820-EP-P

### DEPARTMENT OF DEFENSE

### **GENERAL SERVICES ADMINISTRATION**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0074]

### Federal Acquisition Regulation; Submission for OMB Review; Contract Funding—Limitation of Costs/Funds

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

ACTION: Notice of request for public comments regarding a reinstatement of an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning limitation of costs/funds. A request for public comments was published in the Federal Register at 74 FR 30092 on June 24, 2009.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper