

**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 2005–93;  
Small Entity Compliance Guide**

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

and National Aeronautics and Space  
Administration (NASA).  
**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued  
under the joint authority of DOD, GSA,  
and NASA. This *Small Entity  
Compliance Guide* has been prepared in  
accordance with section 212 of the  
Small Business Regulatory Enforcement  
Fairness Act of 1996. It consists of a  
summary of the rules appearing in  
Federal Acquisition Circular (FAC)  
2005–94, which amends the Federal  
Acquisition Regulation (FAR). An  
asterisk (\*) next to a rule indicates that  
a regulatory flexibility analysis has been  
prepared. Interested parties may obtain

further information regarding these  
rules by referring to FAC 2005–94,  
which precedes this document. These  
documents are also available via the  
Internet at <http://www.regulations.gov>.

**DATES:** December 20, 2016.

**FOR FURTHER INFORMATION CONTACT:** For  
clarification of content, contact the  
analyst whose name appears in the table  
below. Please cite FAC 2005–94 and the  
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 past  
due 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 (FAPIS).  
This regulation will benefit small  
business subcontractors by encouraging  
large business prime contractors to pay  
small business subcontractors 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.*

[FR Doc. 2016–30222 Filed 12–19–16; 8:45 am]

**BILLING CODE 6820–EP–P**